

(Rev. 5/05)

**FORM TO BE USED BY A PRISONER IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. §1983**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

(1) DETLEF F. HARTMANN, 229843

(Name of Plaintiff) (Inmate Number)

1181 PADDOCK RD, DELAWARE CORRECTIONAL CENTERSMYRNA, DE 19977

(Complete Address with zip code)

(2)

N/A

(Name of Plaintiff)

(Inmate Number)

06 - 340

(Case Number)

(to be assigned by U.S. District Court)

(Complete Address with zip code)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

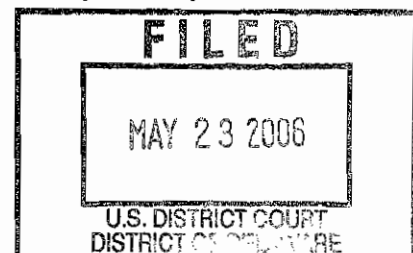
vs.

**CIVIL COMPLAINT**(1) JUDGE WILLIAM L. WYTHAM(2) JUDGE WALSH(3) JUDGE HOLLAND, et al.

(Names of Defendants)

(Each named party must be listed, and all names  
must be printed or typed. Use additional sheets if needed)

• • Jury Trial Requested

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IFP**I. PREVIOUS LAWSUITS**

- A. If you have filed any other lawsuits in federal court while a prisoner, please list the caption and case number including year, as well as the name of the judicial officer to whom it was assigned:

Hendrickson v. Mc Creanor, No. 05-4340, D.C. Case No. 03-567-KAJ

P.S. - Judge Farnam has a conflict of interest in this case.

**II. EXHAUSTION OF ADMINISTRATIVE REMEDIES**

In order to proceed in federal court, you must fully exhaust any available administrative remedies as to each ground on which you request action.

- A. Is there a prisoner grievance procedure available at your present institution? ☒ Yes • • No
- B. Have you fully exhausted your available administrative remedies regarding each of your present claims? ☒ Yes • • No
- C. If your answer to "B" is Yes:

1. What steps did you take? Followed DOC Grievance Procedures as best as possible.

2. What was the result? Failure to provide relief by law, DI and I DA by Defendants.

- D. If your answer to "B" is No, explain why not: \_\_\_\_\_

**III. DEFENDANTS** (in order listed on the caption) Please see next page.

(1) Name of first defendant: \_\_\_\_\_

Employed as \_\_\_\_\_ at \_\_\_\_\_

Mailing address with zip code: \_\_\_\_\_

(2) Name of second defendant: \_\_\_\_\_

Employed as \_\_\_\_\_ at \_\_\_\_\_

Mailing address with zip code: \_\_\_\_\_

(3) Name of third defendant: \_\_\_\_\_

Employed as \_\_\_\_\_ at \_\_\_\_\_

Mailing address with zip code: \_\_\_\_\_

(List any additional defendants, their employment, and addresses with zip codes, on extra sheets if necessary)

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Ignore citations, only for Petitioner's use for future recall due to disability.

Defendants

Plaintiff reserves right to add Defendants as needed.

| <u>Name</u>               | <u>Position</u> | <u>Place</u>               |
|---------------------------|-----------------|----------------------------|
| <u>Delaware Judiciary</u> |                 |                            |
| 1 Andrea Maybee-Freud     | Commissioner    | Kent County Superior Court |
| 2 William L. Wytham       | Judge           | "                          |
| 3 Walsh                   | "               | Delaware Supreme Court     |
| 4 Holland                 | "               | "                          |
| 5 Barger                  | "               | "                          |

|          |   |                              |                                    |
|----------|---|------------------------------|------------------------------------|
| ✓ Agency | <u>Department of Corrections (D.O.C.)</u> |                              |                                    |
| 6        | Stanley Taylor                            | Commissioner                 | D.O.C.                             |
| 7        | Thomas Carroll                            | Warden                       | Delaware Correctional Center (DCC) |
| 8        | McCreanor                                 | Captain, Grievances          | DCC                                |
| 9        | Lisa Merson                               | Corporal,                    | "                                  |
| 10       | Michael Little                            | Legal Services Administrator | "                                  |
| 11       | Edward Johnson                            | Paralegal II                 | "                                  |
|          | Mailroom Staff, DEC                       |                              |                                    |

|          |                                  |                          |          |
|----------|----------------------------------|--------------------------|----------|
| ✓ Agency | <u>Attorney General's Office</u> |                          |          |
| 12       | Jane Brady                       | Former Attorney General, | Delaware |
| 13       | Martin O'Connor                  | Prosecutor               | "        |

|          |                                       |                                    |  |
|----------|---------------------------------------|------------------------------------|--|
| ✓ Agency | <u>State Public Library Employees</u> |                                    |  |
| 14       | To be named,                          | Director of State Public Libraries |  |

✓ Court Appointed Defense Counsels

- 15 David Jones,
- 16 Christopher Witherell,
- 17 Christopher Tease, Jr.,

✓ ~~Entity~~ Prison Medical Contractors

- 18 To be named, Correctional Medical Services
- 19 " , First Correctional Medical Services

✓ Agency Delaware Center For Justice (DCJ)

- ✓ 20 To be named



Addresses

Kent County Superior Court

38 The Green

Dover, DE 19901

First Correctional Medical Services

~~to be discovered~~

c/o Delaware Dept of Corrections

245 McKee Rd

Dover, DE 19904

Delaware Supreme Court

55 The Green, Kent County Courthouse

Dover, DE 19901

Delaware Center For Justice ✓

100 West 10th St

Wilmington, DE 19801

Department of Corrections, Delaware

245 McKee Rd

Dover, DE 19904

Delaware Correctional Center

1181 PADDOCK RD

Smyrna, DE 19977

Delaware Attorney General's Office

Dept of Justice, State Office Bldg

820 N. French Street

Wilmington, DE 19801-3509

Correctional Medical Services

~~to be discovered~~ c/o Delaware Dept of Corrections

245 McKee Rd

Dover, DE 19904

Abbreviations Used Herein

|                          |  |
|--------------------------|--|
| D.O.C.                   | Dept of Corrections Delaware   |
| D.C.C.                   | Delaware Correctional Center, Smyrna, DE                                   |
| (S)A.G.                  | Delaware Attorney General  |
| DI                       | Deliberate Indifference  |
| IDA                      | Invidious Discriminatory Animus  |
| TEEMCA                   | Timely, equal, effective, meaningful, <del>capable</del> capable, adequate |
| APNNW                    | attorney, prosecutor, non-imprisoned, non-indigent,<br>non-disabled        |
| CTM                      | a cheap asthma medication causing sleepiness                               |
| DMLA                     | Daily Major Life Activities  |
| ADA                      | American Disabilities Act  |
| RPI's                    | Rights, Privileges, Immunities   |
| USC                      | United States Constitution   |
| LLPH(I)                  | Life, Liberty, property, and Happiness Interest                            |
| LRR's                    | Laws, Rules, Regulations   |
| MOU                      | Memorandum of Understanding  |
| SPLE                     | State Public Library Employees   |
| APA's                    | Administrative Procedure Act's, State and Federal                          |
| ROA                      | Right of Access  |
| ACODDD                   | Arbitrary, Capricious, Overbroad, degrading, dehumanizing,<br>destructive  |
| CAPTA<br><del>CECA</del> | Child Abuse Prevention and Treatment Act                                   |
| U.S.                     | United States  |
| MTD                      | Motion To Dismiss  |
| DP+EP                    | Due Process and Equal Protection Clause                                    |



## Claims Summary

(No claims 1, 5, 7, 9, 10)

Claims - All are federal violations with Deliberate Indifference and Invidious Discrim. Animus.

2. Legal and Medically Ethical handling medical prevention, diagnosis, treatment;

- " " " " " of Medical Grievances;

- " " " " " provisions for All medical/health information from the internet in a TEEMCA manner as all APNUN ~~can~~ can;

- Petitioner, class of one, has right to GOOD physical and mental health relief.

- " " " " " natural treatments or cures, not just for selfish, pharmaceutical industry pressures, and kick-backs depriving of better treatment or cures, or possible cures not causing harm, damage, injury, or degradation to life, liberty, property and happiness RPI's;

3. Legal and Medically Ethical handling of dental services, prevention, diagnosis, and treatment;

4. Legal and Medically Ethical dispensing of All medications on time; no lags.

6. " " " " optometry services; glaucoma test; prevention.

8. " " " " mental health prevention, diagnosis, treatment.

11. A.D.A. violations; + Rehabilitation Act (RA)

12. Access To Information Violations

13. " " " From The Internet

14. Photocopying Services Violations

15. Word Processors and Accessories Violations

16. Illegal Denial of Legal Postage and Supplies To Indigent Inmates and other inmate.

17. Illegal Prison Mail and Legal Mail Censorship

18. Prison Grievance System Claims Violations

( ~~copy~~ )

19. Claims of Illegal Prison Conditions Which Could Not Be Brought Yet Due to Many Obstructions of Justice
20. Indigency Violations
21. State Courts Judicial Misconduct Due To Denial of Appointment of Counsel for Appeal By Law.
22. Ineffective Assistance of Counsel Pattern and Practice in State Courts
23. Civil Rights Violations By Delaware Judiciary Defendants Acting Under Color of Law;
24. Obstruction of Justice To TEEMCA Access To Courts By Judge Farmer;
25. These Violations Apply To All or Several of The Claims in This Petition;
26. PLRA's Limiting Attorney Fees Automatically, Inherently Prejudice a case and Deny Fundamental Fairness or however it has to be legally said; ~~there~~ no equal motivation by attorneys to take PLRA cases.  
Memorandum Attached for clarification.

P.S. Supplemental jurisdiction and/or any other jurisdiction as legally proper.

P.S. Petitioner reserves the right to amend or alter this Petition and his other documents/ Motions with Counsel or pro se.

## Petitioner's Physical Injuries Denying LLPHI

Injuries caused by Defendants working in harmony to deprive with DI, IDA and lasting Disabilities, or irreparable injuries, or reparable injuries.

### Claim

2. Heart Disease, Hypertension, Asthma, Thyroid Disease, High Cholesterol, health losses from degrading prison food and conditions; denial of medication for severe back pain for immobility by Staff Nurse Nancy, Witness Sgt Greg, failures to provide meals during immobility by a Sgt for about 7 days, denial of diagnosis, treatment, medication for severe throat pain and suffering, spitting up blood, trouble eating was serious medical need. Court refusing to dismiss allegation of 3 day denial of medication; discovery or expert testimony might reveal a physical injury. See

Nyberg v Cruise, 1996 WL 754107 (N.D. Ill., Dec 31, 1996)

8. Severe Mental Disability affecting daily major life activities (DMLA);
- Mental Illness from trauma/crisis causing physical injuries + DMLA denials;
  - Allegation of mental anguish so severe that it caused physical deterioration and would shorten Plaintiff's life was sufficient under 42 USC § 1997e(e). See Perkins v Arkansas DOC, 165 F.3d 803, 807 (8th Cir. 1999), as in Hartman's case.

2. Failure to provide natural medications caused more damages or did not better <sup>significantly treat</sup> as natural ones could.

All Claims with possible physical injury: Showing of future harm per Helling v McKinney would satisfy physical injury requirement. See Caldwell v Horn, 1997, U.S. Dist. Lexis 21000 (E.D. Pa., 1997). But due to access to information violations, future harm could NOT be shown yet, but can be projected partially from past and current conditions.



Claim 2Medical Violations

A. Medical staff has not been able to treat medical problems of Plaintiff.

Plaintiff fears of risk of health due to history of treatment in this facility of deliberate indifference to TEEMCA medical information like from the internet; not just token information but all of it to be totally informed for life, liberty, and property interests, and due process for equal protection of all R.P.I.'s, not just the ones the current staff (Defendants) wants me to have and not have.

B. Plaintiff fears of risk of injuries, permanent irreparable ones due to denial and wrong attitudes to speedy access to heart attack, other immediate emergencies, and outside access to physicians and facilities.

Since outside facilities are too remote to handle emergencies, promptly and adequately, then prison must provide adequate facilities and staff but is not as can be seen by sick calls alone take one or two weeks to see when they should be the next day. And the same delays exist for emergency dental work, 1 or 2 weeks later one is seen no matter how much pain exists violating 8th + 14th Amendments.

As plaintiff has expired with his back problem, sometimes going out making him immobile, and his unusually severe throat problem he had to go through with severe pain and suffering ~~handle~~ never handled, all acting with deliberate indifference even with prison officials being informed of problem. See Appendix \_\_\_\_\_. (Defendants DOC)

C. Dr's failed to perform tests for cardiac disease in patient with symptoms that called for them. See Hiltier v. Beorn, 896 F2d 848, 853 (1990). Fear of history of lack of treatment and diagnosis and failures to provide TEEMCA accn to all internet medical information available to general public denies due process and equal protection of

Claim 2

the laws. And violates 8th Amendment for continuous fear of injuries is cruel and unusual punishment in an ever more civilized and decent society in the information age.

- D. Interference with medical judgment by budgetary <sup>or other non-medical</sup> restrictions illegal.
- E. Failure to let chronic care medications run out many times over a year is treatment so blatantly inappropriate as to evidence intentional mistreatment likely to do seriously aggravate condition, or life, or liberty interests, ~~and~~ and actually did and does in Petitioner.
- F. Defendants of medical staff doggedly persisting in a course of treatment for ~~asthma~~ asthma and C TM medication causing further immobilization of Plaintiff patient due to budgetary restrictions continues to be ineffective treatment.

But, just now after years of this abuse of drugging up this Plaintiff to be more inoperative, ~~is~~ unable to do work, during certain times of the year due to C TM medication, and now federal investigation have Def's switched to also offering actifed and sudafed. But now, after trying actifed, asthma symptoms still persist, and further medical attention is needed and now waited for to treat all symptoms. ~~and~~

C TM treatment was so grossly incompetent, affecting daily major life activities to try to stay awake, depriving of adequate treatment to do daily work shows the deliberate indifference of the past staff for over 6 years.

- G. Failure to provide adequate medical care, physical and mental, for serious conditions of Petitioner cause fear of imminent danger of irreparable harm with history of D.O.C. medical services; pattern and practice can be seen in Comurances.
- H. Bandaid medications don't cure, and cause more damages, ie Aspirin, C TM, blood pressure meds due to violent, illegal stressful conditions in prison.
- I. Aspirin for heart disease never properly diagnosed to see what is



Claim 2Medical Violations (continued)

actually causing heart disease, causes more damages due to lack of proper testing like for plaque build up, cortisol for stress, ?

- J. Failure to treat Thyroid disease symptom as specialist would do as for chronic ~~syndrome~~ syndrome, and asthma, and medication interactions.

See Appendix.

- K. Lack of nutritional food causing body degradation; Life, liberty interests.

Lack of mental health treatment causing bodily degradation; "

- L. Fear of risk of health due to history of facility employees, Defendants and medical contractor, and physical and mental injuries materializing from imprisonment; Life, liberty, property, happiness interests.

- M. All these medical violations under State and Federal laws of clearly established nature to "care" for wards of the State to cause NO degradation or damage which is commonly known. Due to denials of TEEMCA access to information, Petitioners cannot quote and show directly.

- N. Medical staff continue to show deliberate indifference to serious medical needs since Petitioners continues to be NOT totally informed and thus continues to be unable to make his medical problems known for TEEMCA access to information to have a voice among history of degrading medical services. See Appendix.

- O. Prolonged deprivation of floss, like toothpaste, for over 6 years now is an 8th Amendment violation. See Appendix.

- P. Specialists needed from outside or to outside because of severity could not properly be treated at DCC.

- Q. ~~Systemic~~ Systemic deficiencies in staffing, and procedures effectively denying proper health care making unnecessary suffering inevitable for injunctive powers. ✓



Claim 3class of one Denial of Proper Dental Services

- A. Plaintiff <sup>class of one</sup> continues to be deprived of proper, preventive, diagnostic, and treatment services per the American Dental Association for annual cleaning for over 6 years of teeth when custodians are liable for Wards of State Care and Maintenance, denial of glass picks as other prisons have, and yet to be discovered other standards in violation of federal laws by Medical Services Providers to be named.
- B. Failure by ~~the~~ Medical Services Providers to provide all dental information so that <sup>petitioners,</sup> Ward of State <sup>class,</sup> can communicate their dental needs. See Dean v. Coughlin, 1623 F.Supp at 404. History here has shown over 6 years now, ~~and~~ and more by other members of this class, that illegal and unethical conduct by Defendants occurs with DI and IDA in violation of at least 1<sup>st</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendment rights.
- ✓ C. Defendants Dentists and Medical Services Providers.
- ✓ D. Illegal copays requiring indigent to pay. See Indigency Claim 20.

Claim 4Continues Imminent Danger By failures to  
Provide required medication

This pattern and practice continues as following 2 sick call slips have been sent to all 3 grievance levels at once because of history of inaction, no relief, DI, IDA. No reply as of today May 8, 2006 ✓  
when DOC grievance policy says Warden must respond to emergency grievances in 24 hours.

New symptom now never had before due to lack of medication.

Immediate Injunctions, relief, restitution needed;  
Gross 8th Amendment violation.

P.S. DI = deliberate indifference

IDA = invidious discriminatory animus

P.S. A current bleeding not diagnosed, prevented nor treated ~~for~~ since April 11, 2006.

✓ P.S. Interruption of prescribed treatment, providing medication on time, is deliberate indifference.

✓ Interruption cause mental and physical disabilities and damages to degenerate body of  
Petitioners for over 6 years now without improvement.

File

Sent to: Delaware BOP  
Warden DCC  
Grievance Mail Procedure  
on Apr 31

FORM #585

MEDICAL GRIEVANCE

FACILITY: DCC  
INMATE'S NAME: Dettel Hartmann  
HOUSING UNIT: DE17

DATE SUBMITTED: Apr 31, 2006  
SBI#: 229843  
CASE #: \_\_\_\_\_

SECTION #1

DATE & TIME OF MEDICAL INCIDENT: Apr 31, 2006

TYPE OF MEDICAL PROBLEM: Emergency situation: Grievance to all 3 levels today.

1. Apr 21, 2006 sent sick call form for needing something better for my asthma symptoms, persisting sneezing, itchy eyes, runny nose, wheezing, shortness of breath, even with actifed. 2. Ten days to see a sick call is way too long, illegal and unethical. Where is the legal supervision by law? Procedure must be fixed to see sick calls next day per law. 3. Nurse who saw me today says she has to make me an appointment with the Dr. through a mismanaged scheduling procedure for lack of timely treating of injury, pain, or suffering. 4. Sufficient staff is needed if scheduling can't be done sooner. 5. How many more days now to order and receive med by pharmacist already can't keep up with other meds. No one has been able to over 6 years now - looks like understaffing. 6. A month can now go by without proper meds. Unacceptable. Affects daily breathing and activity.

GRIEVANT'S SIGNATURE: \_\_\_\_\_

DATE: Apr 31, 2006

ACTION REQUESTED BY GRIEVANT: Provide proper med now. Fix procedure for sick calls still not fixed from previous grievance, and getting timely medication like outside Dr's can do. Dr can write prescription on the spot for patient to pick up at pharmacy at least those who should be on hand like for breathing.

DATE RECEIVED BY MEDICAL UNIT: \_\_\_\_\_

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NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.

file

claim 4

Sent to: Delaware Bar  
Harden DEC  
Grievance Mail Procedure  
on May 1

FORM #585

MEDICAL GRIEVANCEFACILITY: DCCDATE SUBMITTED: May 1, 2006INMATE'S NAME: Petle HartmannSBI#: 229843HOUSING UNIT: DE17

CASE #: \_\_\_\_\_

## SECTION #1

DATE & TIME OF MEDICAL INCIDENT: Apr 31, 2006

## TYPE OF MEDICAL PROBLEM:

Cronic care medication keeps running out without timely refills. This problem has been going on for years and is still going on. Med was re-order on sick call slips dated Apr 21, and Apr 30. Apr 31 Nurse tells me it would be ordered now on Apr 31. Why was refill not properly provided again?

Dr Hurst ordered med Apr 11, 2006 and it still was not ordered on time. Because of history, this cronic care medication must have stock med, as any reasonable person would know, just for those situations that keep reoccurring. This med is an Essential hormone for the body to live. All this extra work with grievances, and fear of risk of body shutting down, fears of body degradation, extra stress causes damages.

GRIEVANT'S SIGNATURE: Petle HartmannDATE: May 1, 2006ACTION REQUESTED BY GRIEVANT: Provide meds now. Fix stock med. Fix procedure,

DATE RECEIVED BY MEDICAL UNIT: \_\_\_\_\_

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**NOTE: EMERGENCY MEDICAL CONDITIONS WILL TAKE PRIORITY. OTHERWISE, MEDICAL GRIEVANCES WILL BE ADDRESSED AT THE WEEKLY MEDICAL COMMITTEE MEETING.**



Claim 6

Denial of Proper Optometry Services

A. Plaintiff, <sup>classmate</sup> continues to be deprived of proper, preventive, diagnostic, and treatment services per the American Optometry Association Standards for glaucoma tests, astigmatism, and yet to be discovered other standards being also hidden from Petitioner, Patient of Dental Services providers for over 6 years now as Ward of the State.

B. Failures by Medical Services Providers to provide all dental information so that Petitioner / Patient, Ward of State class, has right to be informed, and so that s/he can communicate their <sup>OPTOMETRY</sup> needs. History here has shown over 6 years now, and more by other members of this class, that illegal and unethical conduct by Defendants occurs with DI and IDA, in violation of at least 1<sup>st</sup> and 8<sup>th</sup> and 14<sup>th</sup> Amendment rights.

✓ C. Defendants includes Optometrist since Dec 1, 1999.

Claim 8Mental Health Violations

- A. Continues deliberate indifference to mental health now over 6 years by failures to inquire into facts necessary to make a professional judgment. See Liscio v Warren, 901 F 2d 274, 276 (1990), 8th Cir.
- B. Deliberate indifference to serious mental health needs violates 8th Amendment.
- C. Treatment of mental disorder of mentally disturbed inmates is a serious medical need. See Wellman v Faulkner, 715 F 2d 269, 272 (1983), 8th Cir.
- D. Failure of a systematic approved program by appropriate Association for screening and evaluating inmates to identify for treatment as in Plaintiff, class of one. Lack of adequate screening on intake into prison.
- E. Lack of training of custody staff in mental health issues.
- F. Plaintiff can't defend himself due to lack of voice and memory due to disabilities.
- G. Staff in prison like Sgt ~~Wong~~ could not realize my disability. He kept abusing me by accusing me of things leaving me frozen to respond with his negative attitude, lack of courtesy, and without knowing me. As Sgt ~~Wong~~ did and others in smaller portions.
- H. Petitioner still waiting for referral to psychiatrist March 2006 for proper diagnosis. Second sick call sent on Apr 26, 2006, received May 6 saying "You will be scheduled." Not yet scheduled? Now I can better communicate mental health problems due to newly acquired information never expected but hoping for with notes. See Mental Health Violations next pages. One can only cringe at what else they are doing / not doing to others of this class, DCC inmates, DOC inmates. Systematic deficiencies in staffing over the years and ongoing, denying proper mental health care making unnecessary suffering for Petitioner, and family and class of one - mentally ill inmate, inevitable for injunctive powers. ✓



Claim 8

Mental Health Violations by DOC Defendants and Medical Providers

(Irreparable damages and ongoing untreated mental damages) Preliminary Injunction Needed

I. Failure to prevent, diagnose and treat ~~Alzheimer's~~ <sup>Disease</sup> type causing for over 6 years, increased degradation of mental functions.

Failures to administer standard mental status exams used just for diagnosis, and neuropsychological tests as prescribed by American Psychiatric Association Standards for which types of causes and treatments needed.

- Neuroimaging aids in differential diagnosis of ~~Alzheimer's~~ <sup>disease</sup>.

Standard tests of computed tomography (CT) or M.R.I., Multi-resonance imaging, may reveal cerebral atrophy, focal brain lesions, hydrocephalus, or periventricular ischemic brain injury.

Not in routine use as PET or SPECT scans for use to provide useful differential diagnostic information.

~~Alzheimer's~~ <sup>Disease</sup> first stage may be present which is most common cause of ~~Alzheimer's~~ <sup>Disease</sup> Vascular ~~Alzheimer's~~ <sup>Disease</sup> or other neurodegenerative process may be at work besides other, less common causes.

Petitioner has endocrine condition called Hypothyroidism, a thyroid disease which is known to cause ~~Alzheimer's~~ <sup>Disease</sup>. Petitioner's abruptness of required, Essential medication over 6 years has exacerbated the condition cause more damages - Irreparable.

Failures to test for many other causes continues to deny treatment and prevention for over 6 years now due to DI and IDA.

If any reversibility is still possible if underlying pathology is diagnosed in time, and effective treatment is provided.

Claim 8

Remember sick calls and denial of medication on time under Medical Claims, seen as "Nongrievable" and medication timely "denied" for Defendants having caused damages (DOC, AG, Medical Services Provider)

Systemic conditions are KNOWN to cause ~~Disorder~~<sup>Disease</sup> such as Hypothyroidism.

Other complications, mental and/or physical, follow if not treated or not treated in time as in Petitioner's case inevitable now. ✓

Average duration of illness from onset of symptoms to death is 8-10 years.

Thus, Defendants are still, after 6 years, continuing to allow my Death to occur sooner violating all kinds of laws.

8th Amendment, life, liberty, property, and happiness interests.

J. Failures to prevent, diagnose, and treat ~~Disorder~~<sup>Disease</sup> ( ~~Disorder~~ ) which affects daily, major life activities. Can ~~Disorder~~ anytime. Wrongfully Asthma medication given causes total immobility for that day when needed to be taken to breathe for any activity.

Substance-induced ~~Disorder~~ disorders.

K. Failure to diagnose ~~Disorder~~<sup>Disease</sup> due to trauma, crisis of his family members being mentally murdered by some state employees who are still getting away with their illegal, malicious, horrific conduct. And due to terroristic, violent prison conditions for 24-7 stress. And medical staff trying to hide that physical injuries with medication, thus failing to treat and try to cure properly.

L. ~~Disorder~~<sup>Disorder with emotional disability and conduct changes</sup> caused mental + physical damages to Petitioner due to terroristic prison conditions, DI + IBA.

Claim 8Mental Health Violations (continued)

- M. Petitioner has been unable to file all grievance for all dangerous, injurious, & harmful conditions due to sheer number of illegal conditions, inability to communicate them legally, just discovered evidence, handicaps, and disabilities;
- N. These prison conditions have been a chronic stressor for Petitioner and legal custodians failed to "care and maintain" by law and ethics. If a mental institution is the only proper place for Petitioner, it requires better social conditions with properly controlled, trained, and supervised employees whom State chooses to take custody of a citizen; State objective should be to DEinstitutionalize people; as per 1999 Olmstead v. L.C., U.S. Supreme Court.
- O. Petitioner continues to be in grave fear of further mental and physical deterioration under these custodians as any other Delaware State custodians in his class, as informed <sup>Ward of the State Patient,</sup> and properly advocated <sup>by</sup> for laws. (See page 31) ✓
- P. Petitioner's psychological factors affect his health and medical conditions; stress causing physical injuries, and future injuries inevitable with the current course for injunctive powers. ✓
- Q. Petitioner's Assessment Scale type has gravely dropped since his illegal imprisonment under illegal conditions;
- R. This disorder for Petitioner caused by State Actors, Defendants;
- S. Petitioner has not been able to face his bereavement of his family members mentally murdered from his life one day illegally; not to forget the damage to the other family members; continues, horrific child abuse by state employees of Petitioner's children ignored



illegally when reported twice in writing to Kent County Reporting Office by law;

T. This disorder, not mentionable due to privacy rights and this Petition being put on the internet, has not been prevented, diagnosed nor treated;

U. Physically and mentally abusive conditions for Petitioners, class of one, in this prison for over 6 years now due to medical, mental health staff and DOC, AG employees having no accountability to competent, independent sources yet to root out these evils;

V. Failures to protect from psychological and physical abuse from inmates and staff members, constant 24-7 threat, on Petitioners, class of one - mentally ill, unable to communicate the problem(s), and know their rights in a TEEMCA manner; and past inappropriate punishment due to mental and emotional disabilities. ✓

W. Outside specialist needed to be seen because inside ones cannot prevent, diagnose and treat well known disease.

X. Emotional well being of inmate, Plaintiff, ignored by classification system not incorporating psychological and personality evaluations. ✓

Y. Illegal housing among more violent people is inevitable here as Counselor Michael McManm has continued to threaten, and as any guard could do anyday if they wanted; a constant fear of threat of unnecessary and wrongful punishment for this Petitioners, class of one - mentally ill, ✓

Z. Psychiatrist workload at 250 patients here now where coverage is insufficient by law and ethics. (824FS 1374) ✓

Claim II

and treatment was never provided. This condition alone provided extra special hardship on Petitioner because of other medical and mental health issues compounding to degrade Petitioner and deny life, liberty, property, and happiness interests (LLPHI). This prevented Petitioner already under chronic care and chronic fatigue syndrome due to thyroid disease, depression, too incoherent and able to do his legal work <sup>in a TEAMCA manner</sup> around the other illegal prison conditions due to lack of accountability by law. See attached list of illegal prison conditions not yet personally able to file meritorious claims for, unless is sufficient for some reason this citizen is not yet aware of. ✓

E. State public library employees fail to do their duty by state law to provide all its services to all its citizens - included disabled as Petitioner. State law and ADA violations.

F. ADA auxiliary aids requires a laptop with largest available memory available and accessories for ~~adult~~ illness with memory.

G. Petitioner's, class of one, voice has been kept silent due to malicious, degrading, dehumanizing conditions caused by Defendants preventing and prejudicing Petitioner, class, made mentally ill from horrific, terrorist, violent conditions, imprisonment, illegal imprisonment and atrocious family genocide, continue to fail to provide relief from injuries and damages due to failure to do duty.

H. Defendants work in harmony to achieve those evil goals fueled by selfish natures and malicious natures which further abuses Plaintiff and his family. Prison authorities liable for failure to provide interpretive and assistive communication devices. ✓

I. This small state does not have an advocacy resource to stand up for the laws deprived of. Therefore, inmates, like Plaintiff, continue to be

Claim 1

and treatment was never provided. This condition alone provided extra special hardship on Petitioner because of other medical and mental health issues compounding to degrade Petitioner and deny life, liberty, property, and happiness interests (LLPHI). This prevented Petitioner already under chronic care and chronic fatigue syndrome due to Thyroid disease, depression, too incoherent and able to do his legal work <sup>in a TEEMCA manner</sup> around the other illegal prison conditions due to lack of accountability by law. See attached list of illegal prison <sup>condition</sup> not yet personally able to file meritorious claims for, unless is sufficient for some reason this citizen is not yet aware of. ✓

E. State public library employees fail to do their duty by state law to provide all its services to all its citizens - included disabled as Petitioner. State law and ADA violations.

F. ~~ADA~~ auxiliary aids requires a laptop with largest available memory available and accessories for ~~memory~~ illness with memory.

G. Petitioner's, class of one, voice has been kept silent due to malicious, degrading, dehumanizing conditions caused by Defendants preventing and prejudicing Petitioner, class, made mentally ill from horrific, terroristic, violent conditions, imprisonment, illegal imprisonment and atrocious family genocide, continue to fail to provide relief from injuries and damages due to failure to do duty.

H. Defendants work in harmony to achieve those evil goals fueled by selfish natures and malicious natures which further abuses Plaintiff and his family. Prison authorities liable for failure to provide interpretive and assistive communication devices. 39 P.F.S. 1011

I. This small state does not have an advocacy resource to stand up for the laws deprived of. Therefore, inmates, like Plaintiff, continue to be



Claim II

ADA (continued)

made worse or get worse instead of being improved to be made independent and contributing member of society if there is any way possible which is the Duty of government employees and who don't have a conflict of interest. This kind of employee is obviously a rarity in the Delaware Corrections system which fails to do it duties and the Defendants judiciary failures to uphold laws neutrally, independently, and objectively in Petitioner's criminal case. ~~Thus~~, thus, this Petitioner, ~~clan~~ alone, because he is now made poor and destitute cannot afford a legal team like the prosecutors and judges have and now Petitioner having to fight both teams working with conflict of interest in this criminal case.

J. Delaware branches of government, judiciary and A.G., conspire illegally to deprive Petitioner and family of the laws of the land with corruption of organized crime in State government in violation of federal laws.

#. This state is still about 50 years behind in its judicial <sup>criminal</sup> and correctional system run by politics of selfish and current desires of current employees involved as in Petitioner's case, not by law, as the public is unaware of and thus this State is slowly being eroded by the corruption and Treasons actions. Obviously, competent, independent counsel is needed to root out the evil still in power.

K. Diminished mental capacity is procedural default. See Mathenia v Delo, 99 F 3d 1476, 1480-8 (8th Cir 1996). Excused procedural defaults.

L. Trauma to Petitioner and family was exacerbated by the abrupt, illegal amputation of family from family, and illegally railroaded into violent crimes when Petitioner never has been a violent person and too thin skinned to hurt anybody.

The incarceration has caused grave emotional, mental, and physical damages

Claim!!

to Petitioner and his family members, all contrary to laws. This is another lawsuit this Petitioner has not been able to communicate and bring forward to show the federal and state violations.

M. The sheer number of illegal conditions here in this state and prison are so overwhelming, unprofessional, and destructive to the citizens, independent assistance is needed to prosecute these current government employees failing to do their duty due to evil motives. Even the federal prosecutor could not come forward yet to letter Petitioner sent to him/her of illegal conditions. Petitioner has not been able to make the right motions and communications to get relief. The obstruction of justice is horrific in this modern information age. Request assistance & relief from sheer number.

N. Plaintiff has to copy by hand, due to mental illness and lack of photocopying, everything for later use when possible in a motion from the limited and obstructive law library conditions and prison rules.

O. This is a definite unusual and cruel hardship for Petitioner, class of one, for TEEMCA access to information to bring meritorious defenses and claims forward in a better legal form for understanding and two-way communication by coercion and position of authority to punish wrongfully (ADA Title I). ✓

P. Prison mental health employees continue to sweep Petitioner's needs under the carpet for over 6 years now by NOT diagnosing and treating his needs. DI, IDA.

Q. Now he is forced to file this petition and finally able as best as he can now at this time to get relief which could not have been attained any sooner due to handicaps and disabilities caused by Defendants.

R. Disabilities include severe emotional disability and mental illness which affects his daily major life activities, depression, which continue to



Claim IIADA (continued)

to deprive Plaintiff of his TEEMA access to information for meritorious legal communication with the courts. Abuse of mental + emotional person continues. Conditions abusive, neglectful, exploitative, discriminatory, lacking modern dignity. ✓

S. Terroristic, tortures conditions as cruel and unusual punishment to Plaintiff, class of one, where has never been violent ~~to~~ and framed into violent charges by selfish, malicious state employees and now having been imprisoned among violent terrorists is a horrific hardship which has added to his disabilities. Custodian failures to do their duty, ~~of~~ illegal retaliation going on in this facility from guards and fears of such risk of physical abuse, sheer levels of unprofessionalism and lack of accountability, controlled, trained and supervised employees has kept Plaintiff emotionally disabled and mentally ill. ✓ Lack of entitlements deprived access to courts with meritorious claims.

T. The only kind of questions asked by mental health from day 1 were "are you thinking about killing yourself or anyone else?" and "What is going on?" Except for the one time interview with an alleged psychiatrist which brought no diagnosis or relief. These questions in no way ~~are~~ <sup>can be</sup> the standards from the professional associations in the proper field like the American Psychiatric Association.

U. Failures to adequately control, train, and supervise guards to accommodate mentally ill prisoner represented deliberate indifference to inmates' mental health. See, e.g., Young v. City of Augusta, 59 F3d 1160, 1171-72 (11th Cir. 1995).

✓ The first guard Petitioner was able to run into by accident who recognized emotional/mental issues ~~at all~~ <sup>at all</sup> was in end of 2005.

Claim II

V. Community Legal Aid Society, Inc., 100 W. 104th St #130, Wilmington, DE 19801, member of NAAAS, National Association of Protection and Advocacy Systems, is a federally funded system, which fails to provide legal services for Petitioners because of Mental Disability thereby contrary conduct just for what the ADA was created for. Abuse of government funds. Delaware Mental Health Association fails to assist. ✓

W. Obstructions and failures to accommodations or aids to freedom of expression is cruel and unusual punishment under the 8th Amendment to Plaintiff, class of one, and 6th Amendment for fair proceedings and equal access to courts. ✓

✓ X. Illegal patterns and practice in this prison and State are maintained due to lack of accountability by and for:

1. U.S. General Services Administration, Center for <sup>Information Technology</sup> IT Accommodation, for Federal electronic and information technology to be accessible to people like Petitioner with a disability under the R.A. § 508.

2. The Protection and Advocacy for Individuals with Mental Illness (PAIMI) Program, and the State funded program from the National Center for Mental Health Services which fail to provide Petitioner, mandated, to protect and advocate for his mental illness, and have public posting in Prison for its availability and duties, as the others listed here. ✓

3. The Protection and Advocacy for Individual Rights (PAIR) Program fails to provide Petitioner, and family members, and as class of one, <sup>disabled inmates</sup> protection and advocacy for the legal and human rights of persons with disabilities.

4. The Client Assistance Program (CAP) mandatory program fails to provide Petitioner, family, class of one, administrative, legal and other appropriate remedies to ensure the protection of persons seeking service under the R.A.

5. The Protection and Advocacy for Assistive Technology (PAAT) also fails as far.



Claim 12Access To Information Violations

- A. Plaintiff, classofone, continues to be denied access to legal and defense information to uphold Civil Rights and other laws, rules, and regulations (LRR's) with deliberate indifference by Defendants of the Delaware Dept of Corrections<sup>(DOC)</sup> and the Attorney General (AG) of Delaware to timely, equal, effective, meaningful, capable, and adequate (TEEMCA) access to information to prepare cases as legally required, with all claims or defenses like an attorney, prosecutor, non-indigent, and non-imprisoned, and non-disabled (APNNU) can and as a pro se citizen is required to perform. ~~Grievances~~ ~~exhausted~~ exhausted.
- B. Those Defendants continue to obstruct justice by denying grievances, to remove illegal obstructions to TEEMCA information required by laws like the 6th Amendment of the U.S.C. for pro se litigants.
- C. Supervisors are responsible for the customs or policies in place and adopted illegally.
- D. This violation by Defendants, DOC and AG, overlaps with the 1st Amendment rights of the U.S.C. to information, speech, press, and grievances.
- E. The denial of TEEMCA access to information violates the 14th Amendment of the USC for due process and equal protection clauses to the laws and defense and claim information which are time sensitive, and the 5th Amendment. ✓
- F. The obstructions to TEEMCA information violates the 8th Amendment of the U.S.C. because all claims and defenses can't be brought in a TEEMCA manner as required by LRR's to uphold all LRR's and rights, privileges, and immunities (RPI's) which has and continues to plague this facility and DOC. This is cruel and unusual punishment in violation of an ever more civilized and decent society where all RPI's are dependent ~~and~~ upon of citizens being aware

Claim 12

of them, understanding them, and being able to apply them.

G. These illegal conditions which have persisted in this state have deliberately with invidious discriminatory animus caused these handicaps and disabilities to be shown in this petition as far as known so far.

H. Obstructionist, oppressive, and evil nature of said Defendants continue to fail to do their duty, uphold their oath of office in an ever more modern and civilized society.

I. Plaintiff, class of one, has not been able to completely research and exhaust any one defense or claim to bring an informed and meritorious claim for sure to not waste the courts time due to illegal conduct by Defendants.

J. Only piecemeal issues and yet undeterminable range of illegal ~~the~~ conditions exist which have been maintained by these Defendants with ill-will and ulterior motive which is working against our State and National interests of life, liberty, property, and happiness.

K. All defenses could NOT be brought up in this Plaintiff's Habeas Corpus in a TEEMCA manner as AFNN can as required by Federal Habeas Corpus Rule 2(c), "It shall specify all the grounds..." Thus, this is one of the actual injuries to Plaintiff. Also, actual injury is shown by now time-based Habeas Corpus by District Judge Farnon. Also, actual injury by delays caused by appeals required now. See other Claim.

L. Plaintiff only had a chance to look at some digests and some cases to put "something" together in the time allowed by Defendants DOC and AG, as fast as he was capable of around the illegal handicaps and disabilities caused by Defendants failures to control, train, and supervise their staff of prison officials by law.



Claim 12

Access to Info Violation (cont.)

- M. In terms of time spent at the law libraries, that is NOT a determinative factor for TEEMCA access to information.
- N. Prison obstructive policy and facilities have not grown with the prison population over the 40 years or so it has been in existence. Defendants prejudicial and ill-will attitudes allowed the access times to shrink ever smaller, and conditions have not grown with civilized, decent measures of society of an ever improving society where computers have become the standard in all lawyers offices with internet access and standard word processing accessories. Standards are also reflected in laws enacted ever since computers and the internet came into existence.
- O. Current antiquated system which Defendants don't want to correct does NOT allow TEEMCA access to information, and TEEMCA access to the courts like APNPN have. Plaintiff has to barbariously laboring by copying by hand every detail because he is not versed or capable as lawyers, and should not be expected to as currently is by arrogance and overzealousness and ill-will.
- P. Inmate law clerks only give direction on what digests or volumes to look under for the legal errors because they don't know each case presented by an inmate. And inmate, as Plaintiff, does not what errors are illegal they're reads about them since they are unrepresented by a competent counsel.
- Q. Plaintiff can't find the best cases, nor shepardize them all in a TEEMCA manner to make all proper legal arguments and violations of his RPI's without them with current obstructive policies and customs due to lack of supervision, oversight, and accountability; it has run amok, out of control at D.C.C. for years.

Claim 12

R. There are so many illegalities here in prison due to lack of legal oversight.

Plaintiff is overwhelmed in these cruel and unusual conditions acting contrary to our laws of an ever improving and more modern civilized and decent society.

S. No attorney in Delaware has been found so far to take <sup>this</sup> Petitioner's case due to complexity, and sheer number of violations by Defendants.

T. Prison conditions violations is also caused by overcrowding, understaffing, and conflicts of interest in Defendants responsible for legal conditions. Thus, it violates the 8th and 5th and 14th Amendments of the USC and federal law which lead to these illegal deprivations creating an intolerable condition for prison confinement which continue to prejudice Plaintiff's cases and legal rights.

U. No complete list of all books ~~is provided~~ available in the prison law library, and all books available to prisoners from other sources is provided which is illegal. See Thorsant v McCarthy, 597 F Supp 1388 (1984) at 1424. Lists continue to be denied with invidious discriminatory animus and deliberate indifference to legal rights, which is the duty of the Defendant legal custodians to uphold for all its Wards of the State. The internet access would alleviate both problems.

V. Another adjoining room has been available for years for more access, but, as one can see now, Defendants DOC and AG animus and indifference persists on top of official oppression, abuse of authority, illegal punishment, and alike.

W. Law Libraries state employees and their supervisors, DOC and AG, who are directly responsible for legal conditions in prisons and law libraries, are responsible for providing unobstructed, legal access but fail to follow their own D.O.C. Code of Conduct as follows confirming animus and indifference:

X. Law library facilities and services are NOT humane, but degrading, punishing procedure, denying TEEMCA restoration from illegal and unethical



Claim 12Access To Info Violations (continued)

conditions, denying fundamentally fair and equal treatment as to access to information. Discourteous, disrespectful attitudes by Defendants deprive of RPI's, deny fair and impartial access to information for life, liberty, property, and happiness interests, and thus fail to do their duties as public employees. Thus, they fail to serve with applicable laws. Thus, they misuse, abuse and cause degradation of public property, the Wards of the State by violating their interests. Defendants fail ~~to~~ follow laws with illegal motives. Conduct of Defendants is unbecoming to this staff and leadership, unprofessional, illegal and unethical conduct includes being overbearing, oppressive, and with tyrannical conduct by implementing illegal procedures without the Administrative Procedure Acts, State and Federal, Commissioner, Prison Board, DOC legal advisor approval, implementing obstructive conditions illegally, arrogantly, overzealously, arbitrarily, capriciously, overbroadly, and without required substantial, substantiated penologically legal requirement where other prisons don't have these oppressive conditions. Defendants fail to do their duty by laws, rules, and regulations (LRR's), act incompetent for selfish reasons, and disobey the laws.

Y. State employees in libraries and their supervisors fail to follow their functions and duties as follows due to wrong animus and indifference:

1. To provide information, resource materials, and library services as should be provided as all other public libraries (prisons are a public area) are run, especially when Defendants are legal custodians for the Wards of the State, in need of library services;
2. To coordinate library services of the several branches in order to assure to every citizen TEENCA and free access to services, resources

Claim 2

and ordered guidance in the use of such for continuing self-educational, political, cultural, economic, recreational and intellectual enrichment, and legal purposes to be a better citizen; a goal of incarceration;

3. To coordinate the provisions and entitlements of accessible library and information services for people with disabilities, especially for mental or physical ones as required by the American Disabilities Act and Rehabilitation Act all prisons must follow;

4. To STIMULATE every citizen to fully utilize, not deter, begile, or discourage in any way like Defendants DOC do, properly providing the Wards' resources materials in libraries bought and payed for by inmate funds, and only managed by the State employees, and to maintain the individuals right to access and TEEMCA access to those materials and services;

5. To offer resources which supplement and reinforce prison libraries as any professional and qualified librarian would do;

6. To recommend improvements in an ever more modern, civilized society, keeping up with times, to achieve meaningful, TEEMCA library development and use;

7. To establish, interpret, administer, publish, and have Best Practices used as standards of effective, TEEMCA library services.

Z. State public library system fails to do its duty by State law to provide all services to ALL citizens, and as required under the 1<sup>st</sup> Amendment of the U.S.C. for information, communication, speech, and press rights.

AA. And fails to do its duty by State Memorandums of Understanding (MOU) signed by all agency heads to support each others purposes.



Claim 12Access To Info Violations (Continued)

Defendants D.O.C. and A.G. fail to support State Public Library Purpose statute under MOU statement.

AB. All this denial of information or delay of very limited information violates the 8th Amendment of the DSC and federal laws for cruel and unusual punishment by denial or obstruction to peoples interests of life, liberty, property, and happiness (LLPH) for all health, safety, medical and other information in a TEEACA manner.

AC. State Public Library employees <sup>(SPL)</sup> failures to uphold <sup>its</sup> state statute, MOU, and Constitutional rights with federal RPI's denies due process and equal protection of the laws under the 14th Amendment of the U.S.C. and the Delaware Constitution for facts and other information affecting defenses and claims for legal action and the 6th Amendment.

AD. Plaintiffs, class of one, voice have been kept silent by illegal handicaps and disabilities caused by Defendants DOC and AG and <sup>S</sup> Public Library employees (SPL) which continues to prejudice Plaintiffs' cases, and legal interests, and others.

AE. Defendants DOC, AG, and SPL interfere directly with Plaintiffs', class of one, preparation of legal documents to evidence, facts, information, defense, and claims preparation. Plaintiff unable to know if he has a claim with merit unless he first has TEEACA access to information, all in violation of Constitutional and federal RPI's. Thus, Defendants' actions work to detriment, degradation, and obstruction of justice by law.

AF. Claims and defenses denied, dismissed, or omitted or not known due to obstructions caused by Defendants has caused irreparable and repairable damages to Plaintiff and family contrary to LRR's violating their RPI's.

AG. Obstructions created by Defendants continue to actively, currently, with a pattern and practice, directly deny Plaintiffs', class of one, ability to file

Claim 12

meritorious claims when Plaintiff can find out in a TEEMCA manner what is meritorious and what is NOT.

AH. Plaintiff, class of one, can't determine in a TEEMCA manner what facts are necessary by law and what not, nor know all applicable procedures, nor be able to apply them violating his and his families RPI's.

AI. If ignorance of the law is no excuse, then NO obstruction can exist, and TEEMCA access to info must be like ADNN have, and disabilities must be identified by legal custodian who is responsible for Wards of the State to provide legal and ethical entitlements.

AJ. Defendants actions continue to frustrate, impede, and has caused lost, rejected, or impeded defenses or claims as in Plaintiff's Motion TO Dismiss, Habeas Corpus, and Post-conviction Relief Motion, and Civil Rights violations, and criminal charges against those perpetrators.

AK. All obstruction occurred on dates Plaintiff was at Law Library when Defendants were in charge and responsible for illegal and unethical conduct.

Claim 12Access to Info Violations (Continued)

AL. No browsing allowed is illegal as in Williams v. Leeke, 584 F.2d 1336, at 1339 (1978). Copies provided as needed would not have caused some inmates tearing pages out, prejudicing TEEMCA access to information and filing it in court. Thus, Prison administration caused tearing out to make it look like browsing can't be allowed when so many other prisons allow it. Thus, this custom illegally adopted against A.P.A.'s. Custom arbitrary, capricious, overzealous, overbroad, and not a substantially required legitimate penological interest mass punishing all for prison officials created detrimental condition causing legal injuries to TEEMCA access to Plaintiff, class of one.

AM. No browsing is also illegal because it leaves no time to compare legal theories, formulate ideas, and to TEEMCA research.

AN. During Plaintiff's pretrial stay, he had only 2-15 minute appointments maximum per week which allowed less than 10 minute of reading time under oppressive, abusive, overzealous, malicious actions to provide legal TEEMCA access. The federal District Court has already ordered Delaware prisons in 1991 that one hour visits to satellite library is inadequate. See Abdul-Akbar v. Watron, 775 F.Supp. 735, 755. Unobstructed, full-time access required to All info.

AO. Libraries are required to have adequate shelving, study space, chairs, tables, and lighting per Abdul had already ordered but DCC still fails to comply with invidious discrimination animus and deliberate indifference by failures to follow laws by court orders acting overzealous as if above the law.

AP. Lack of access and continues deliberate indifference shown by invidious discriminatory animus to TEEMCA library facilities qualifies as relevant injury-in-fact to Plaintiff, class of one.



Claim 12

AQ. Meaningful access to the courts is a fundamental constitutional right, grounded in the 1<sup>st</sup> Amendment of the USC right to petition and the 5<sup>th</sup> and 14<sup>th</sup> Amendments due process and equal protection clauses.

AR. Plaintiff, <sup>Class of one</sup> ~~et al~~, and family have injury in fact because of unequal footing to compete in adversary law process due to indigency, deliberate indifference and invidious discrimination animus to TEEMCA access to information for courts.

AS. Prison officials speculation that their procedures to ~~access~~ TEEMCA access to information is legal and ethical shows how far out of touch they are with reality.

They don't know my number of case problems, defenses and claims, my reading speed, my comprehension rate, my IQ level, my memory capabilities, my note taking needs, my writing speed and needs, my motion needs, and other similar issues into account which this Plaintiff class of one, has not had a voice for, and others yet to be discovered.

AT. Although security concerns may be considered in choosing the method by which the mandate of BOUNDS is satisfied, security consideration which render a particular method prohibitive cannot be relied upon to justify the non-implementation of other methods which have been used in other prisons and by competent managers which provide relief and where the restrictions are not so onerous as to jeopardize Plaintiff's, et al, health and RPI's.

AV. Defendants directly participated in the violations with a pattern and practice of deliberate indifference to TEEMCA access to information and are thus liable because they created these obstructive, oppressive, discriminatory policies or customs under which ~~some~~ illegal practices occurred or allowed such policies or customs to continue after their take over.

AV. Delaying and denying Plaintiff's cases to go to court and being able to do a good job in his legal work is prejudicial to each case.



Access to Info Violations (Cont.)Claim 12

AW. Delay, denial, or obstruction to information violates the 1<sup>ST</sup> Amendment of the U.S.C. through the 14<sup>th</sup> Amendment. to access to the courts.

AK. A copy of the very statute and its sheppardization that is being used to render citizen's petition or defense time-barred, constitutes an impediment for the purposes of invoking legal RPI's. Thus, impediments are state created, supported, maintain under pretence of law and should have tolled the period like equitable tolling for federal habeas corpus at least; a federal objective. States must follow federal objectives. Many citizens' motions are thus wrongfully time barred and their merits never see the light of day which obstructs justice and causes miscarriage thereof in this State as for this Plaintiff.

AY. Thus, legal information, defense or claims information is not available for use until it is accessible actually. Unlike the public, ~~prison~~ inmates must rely exclusively upon the prison law libraries to discover information. And if an overzealous, malicious nature runs them who is not held accountable, official oppression and abuse of authority grows as it has for the past 40 years here at Delaware Correction Center. The reality of this prison system is an atrocity.

AZ. Since attorney ineffectiveness is not an extraordinary occurrence, clients, even if incarcerated, must vigilantly oversee actions or failures, as in Hartmann's case, having caused miscarriage of justice by conflict of interest. See Johnson v McLaugherty, 265 F3d 559, at 566 (7<sup>th</sup> Cir 2001). Thus, obstructions to TEEMCA access to information and other tools; standard resources of an attorney must be for all citizens. Attorney incapacity is equivalent to NO counsel, and proper for equitable tolling purposes.

Claim 12

BA. And obstructions do<sup>did</sup> prevent citizens from filing on time, ~~a~~ meritorious defenses or claims when frivolousness is not uncommon.

BB. Thus, ~~citizens~~ citizens whether in prison or not, must be able to vigilantly oversee the actions of their attorneys, and if necessary must take matters into their own hands because citizen is still responsible for their case.

See Johnson at 566.

BC. Equitable tolling at least would have applied in Hartmann's case, but ongoing maliciousness and obstructions of justice by <sup>state</sup> judiciary involved in Hartmann's case continue to fail to uphold the laws of the land and perform judicial abuse and misconduct due to conflict of interest. Proper federal investigation required, due to <sup>State</sup> judiciary obstructions of justice.

BD. Two situations in Hartmann's cases and cases to be brought qualify for equitable tolling at least because of two reasons which State judiciary fail to uphold. First, equitable tolling applies where citizen was prevented from asserting their claims by some kind of wrongful conduct on the part of the State. See Harris v Hutchinson, 209 F3d 325, 330 (4th Cir 2000).

Second, doctrine applies when extraordinary circumstances beyond citizens control make it impossible to file the claims/defenses on time. See McMillan v Jarvis, 332 F3d 244, 249 n.4 (4th Cir 2003).

BE. Prison conditions directly affected Plaintiff's illegal custody and illegal prison conditions to his detriment and degradation prejudicing his cases.

BF. Obstruction of justice in Hartmann's cases is also performed by <sup>State</sup> Attorney General (SAG) condoning illegal organized crime in State government among Defendants, et al, where the SAG's duty is to uphold the law for All citizens. Thus, SAG contributes to Plaintiff's illegal imprisonment and illegal prison conditions.



Claim 12Access to Info Violations (Continued)

BG. The handicaps illegally and unethically imposed by this DOC administration to TEEMCA information for legal purpose is malicious, evil, and an oblation to our State and Nation and to God.

BH. Handicaps also include not being able to go to the scheduled 4 hour day if one has a medical appointment or any other commitment, no matter how short that other appointment may be. This arbitrariness, capriciousness, overbroad, overzealous action adds to the deprivations when other prisons do not impose such obstructions. Other inmates move around all day and night for other reasons.

BI. Law Library and information access has continually been diminished for the past 40 years here or so, as population grew, but access time continues to be decreased illegally and unethically. And modern, civilized standards continued to be denied by overzealous, obstructive, evil nature's.

BJ. Mismanagement and malfeasance continues to rule the roost.

BH. Plaintiff still does not have equal access like APNUN have to electronic means for information, internet, and word processing in a and for TEEMCA access to information and filing court papers meritoriously.

BI. Proper, unobstructing, law library and information access prison rules properly approved by all legal authorities <sup>in this state</sup> need to be permanently posted in every library so that no further abuses can be perpetrated by overzealous or other wrong condition <sup>imposed</sup> by any state employees.

BJ. Denial of legal papers [or information in a TEEMCA manner] denies Right of Access (ROA) to court; prisoner need not adduce clear and convincing evidence of improper motive in order to rebut motion for Summary Judgment by State.

523 US 574, 584 (98)

Claim stated because of prisoner Plaintiff, therefore, in admin seg allowed only 3 law bks per day.

788 F.2d 1116, 1126 (1986)

Prospective relief; ~~people~~ inmates need not wait for harm to be done to them.

Claim 12

BK. Claim stated because prisoner petitioner is forced to choose between law library and outdoor exercise. \_\_\_\_\_ 39 F3d 936, 940 (1994).

BL Claim stated for 20 day (much more in Plaintiff's case, 9 months in pretrial critical time for information by a citizen not versed and experienced in law) denial of access to courts and to legal documents (and information).  
\_\_\_\_\_, 811 F2d 1365, 1366 (1987) (per curiam).

BM. Meaningful access denied to Petitioner, class of one, by prison system allowing checkout of law books only 1x per week (2x here with immediate return here in D.C.C.), and providing only limited assistance from inmate paralegals limited to 1/2 hour per week. \_\_\_\_\_ 786 F2d 619, 623 (85).

BN. Meaningful access denied to Plaintiff, class of one, here at DCC law libraries due to unreasonable restrictions on access, denials of library appointments in spite of space, insufficient time in library. See Gluth v Kansas, 951 F2d 1504, 1508 (1991), and arbitrary denial to law library when any other appointment exists for any amount of time, when other inmates move among buildings all day and early evening long.

BO. Continuous, malicious denial of access to legal materials may want for an unscrupulous person to ask for loss of legal claim even though still ongoing from first attempt at a prison grievance and how to communicate for relief in this setting among these kind of animus to deprive of all if they could get away with it. Understaffing and mandatory overtime adds to prison officials animus.

BP. Plaintiff, class of one, has been denied full + fair opportunity to litigate when state prison procedures fell below minimum requirements of due process [and equal protection of the laws in a TEEMCA manner] as defined by federal law. USCA, CA 5, 14.



Claim 12

Access To Information Violations (continued)

- BQ. TEEMCA seating has never been made available for Petitioner, et al, after years of requests orally and in writing. See exhausted Grievances.
- BR. It has been 17 seats for 1600 inmates in the compound for general population. ~~Space~~
- BS. Seating has <sup>always been</sup> available in prison cafeteria but never properly provided, legally nor ethically.
- BT. Compound library has had an empty adjoining room for years. But, do to continue animus and deliberate indifference, maliciousness continues having caused irreparable damages to Plaintiffs', class of one, cases, which always includes contemplated cases.
- BU. Adequacy nor TEEMCA access is NOT determined by counting books or library floor plans.
- BV. Access is NOT meaningful if insufficient time is provided and used to obstruct justice by laws as in Petitioner's cases, et al.
- BW. Because of time bars of Petitioner's Habeas Corpus and Postconviction Motion and all the work it took for this Petitioner to present the motions as best as he can, the efforts were meaningless so far due to illegal conduct by Defendants by obstructions. Thus, legal injuries actually.
- BX. Library appointments procedure or custom continues to conflict with prison programs and medical, dental, mental health appointments causing further actual injuries to TEEMCA access to planned and ongoing litigation. Plaintiff, class of one, was NOT allowed to attend law library for the entire day if even 1 second was needed at any other program or medical. But, other inmates are moving all day from and to programs and housing.
- BY. Custom, no written policy overseen and properly approved by all channels and

Claim 12

supervisors, of not allowing someone in law library if any momentary conflict exists was illegally established and maintained without the Administrative Procedure Acts (APA's), State and Federal, and DOC legal counsel.

BZ. Prison officials enjoined in denying access to information even though library was usually NOT full.

CA. legal library's must be open 12 hours a day as in Gluth v Kangas, 773 F Supp 1309, 1317 (D. Ariz 1988), aff'd 951 F2d 1504 (9th Cir 1991).

CB. Plaintiff's cases needed more attention to information and research to find out how to best present his cases in a TEEMCA manner. Plaintiff does NOT have the letters after his name, nor experience in and outside of courts. Due to this lack thereof, his cases continue to be prejudiced, delayed, denied, and can't be brought in a TEEMCA manner for timely justice by law. Justice continues to be delayed, therefore justice has been denied so far.

Claim 12

Access to Information Violations (cont.)C.C. Sample of Defendant Johnsons conduct:

4 Dec 2003 - Johnson tried to talk me out of copying attachments to my Motion To Dismiss for exhibits to Habeas Corpus Writ. We had heard him say that to other inmates who gave up and did what he said. Johnson was illegally giving legal advice. A court did not appoint him as counsel for any one of those cases. Johnson practices law without a license.

If I would not have accidentally found the law against his illegal conduct, our cases would have continued to be prejudiced by his invidious discriminatory animus in certain situations and inmates like this petitioner. If I would not have reminded him of that law, it would not have been copied for my Habeas Corpus. Several times Johnson has told me that I have to file a Delaware Courts Rule 15 for an extension of time to file a motion when he had to give me more time per prison rule when there is a court deadline date. He continues to deny that extra time right. Dates currently unavailable.

Plaintiff, class of one, has the legal rights to be free from obstructions to prepare defenses and claims, thus denying TEEMCA access to the courts violating 6th, 8th, 14th Amendment rights.

6th for violating obstructions to prose actions.

8th for any punishment caused by obstructions to info or courts.

14th for denial of due process and equal protection of the laws.

June 9, 2005, Johnson denies full time access to law library again with court deadline date to District Court of July 11, 2005, Case # 03-557 KAJ. 8:35AM he said again, giving legal advice,



## Claim 12

X. <sup>Petitioner</sup> must put in for an extension to get more time in the law library. That obstructs justice, due process and equal protection of the laws. A court does not want to be bothered with something in an agency's responsibility to provide.

CE. Johnson fails to exhaust state agency possibilities for TEEMCA access to information and the courts in violation of federal laws.

CF. Johnson again assumes the limited time he provides is TEEMCA access like APNNU have to learn, communicate, understand, apply, take notes for legal motions and proceedings will all be meritorious and correct as needed by LRA's, thus again, showing his invidious discriminatory animus. Some other inmates he has given "extra" time in the law library with a court deadline date.

CG. Prison policy says whenever a court deadline exists, without exception. Not under anyone's discretion. Policy still also illegally applied because Johnson only gives extra time as he wants to, not every day when it's open, even on days when it is not full at current obstructive capacity.

CH. Plaintiff, pro se, has been denied the following material to prepare his defenses and claims, as examples. Much more is being obstructed to. 1. Delaware Agency Manuals of Policies and Procedures [Div of Family Services, Dept of Children, Youth, Family Services, State Police Domestic Relations response procedures, Delaware Attorney General response procedure for Domestic Relations matters], 2. Code of Federal Regulations, 3. unpublished cases, 4. National Association information from internet.

CI. Defendant of DOC and AG's arrogance and cruelty by power, maliciously deprived Petitioner TEEMCA access to information and courts. Injuries listed elsewhere herein Petition.

✓ CJ. Defendant Johnson, others to be named, let inmates leave from law library, but not come in during the day, showing custom is NOT a valid, rational one, if it ever was legally adopted.

Internet ViolationsClaim 13

- A. Illegal censorship of all internet info violates 1<sup>st</sup> Amendment of the U.S.C. is arbitrary, capricious, overbroad, overzealous, malicious depriving of life, liberty, and property interests by State employees.
- B. Illegally suppresses communication, press, speech, association, information, timelines to those, life, liberty, property interests, and happiness. Deprivations are repugnant to evolving standards of decency that mark progress of this maturing society under 8<sup>th</sup> Amendment causing denial of LLPHI's for Petitioner, class of one.
- C. A governmental purpose to control or prevent activities constitutionally subject to state regulation may NOT be achieved by means which sweep unnecessarily broadly and thereby invade the area of protected freedoms as done in Petitioner's cases. Seeking to control the flow of ideas is unethical, discriminatory, prejudicial to The Bill of Rights. Courts watchfully are against stealthy encroachments thereon.
- D. Denials to TEEMCA access to the internet violates the 6<sup>th</sup>, 8<sup>th</sup>, and 14<sup>th</sup> Amendments of the USC and to federal law RPI's denying due process and equal protection of the laws and information for defense and claims preparation like APNWN can. This continues to prejudice Plaintiff's case by causing illegal prison condition and illegal imprisonment and family genocide to continue to cause damages to Plaintiff and family. This denies evolving standards of decency that mark the progress of a maturing society.
- E. Internet is now a household word, a standard of this society as can be seen by the laws enacted for internet use.
- F. The difference in Plaintiff's, class of one, access to the instruments, computer and internet, needed to vindicate legal rights, when based upon the financial situation of this Petitioner, or citizen, are repugnant to the Constitution.
- See Roberts v LaVallee, 88 SCt 194, 196; Williams v Oklahoma City, 89 SCt 1818.

Claim 13

- G. Internet access is not available in any other way equally. Each cell must be provided with a best deal offer competitive bidding process hook-up for their lap-tops, funneled through a state monitoring center which already exists for the public. The internet service provider under best bid already filters out pornographic and violent websites, and inmates charges and convictions. Blanket internet censorship is arbitrary, capricious, overbroad, malicious, damaging, and violation of Constitutional and federal laws.
- H. Inmates must be allowed to buy laptops and accessories just like other commissary items from best price bidders, or independent mail order purchase.

~~Plaintiff~~ class of one



Claims 14

Photocopying Services at D.C.C. Violations

- A. Due to denial of a timely copy of cases in D.C.C. like APNWN have violates many federal rights like to timely due process and equal protection of the laws under the 14th Amendment of the U.S.C. , Thus, causing 8th Amendment violations for causing any illegal imprisonment or filing for meritorious civil rights violations, or any other legal RPF's.
- B. This also violates the 6th Amendment for citizens to do their legal work in a TEEMCA manner as Plaintiff, class of one.
- C. Other State prisons provide free copies of cases in a timely manner. Denial of TEEMCA access to information in Pretrial also violates federal rights where Plaintiff, class of one, was limited to 5 cases per week which actually amounted to less because of mail time. An attorney would scream bloody murder if that was done to him/her.
- D. Photocopy service is an indispensable service.
- E. Since Words of the State are state property, sacred property, State must shoulder all economic necessities of prison life and to uphold All RPF's of all Words of the State.
- F. Access to copying machines free of charge for indigent inmates to copy cases required has long been established law. Again showing animus, and deliberate indifference to law. See Harrington v Holsommer, 741 F.2d 66 (4th Cir 1984).
- G. Copies are also needed because of lack of TEEMCA access to information and to library collection at D.C.C. by delays for TEEMCA access to courts.
- H. Since this facility has never been held accountable to laws, what is going on in other facilities where Words of the State have not been able to make ~~the legal system~~ these illegal conditions come to light.

I. Access to photocopier required given the limited law library hours and other restrictions, with ability to photocopy anything in the law library, at that time. But DOC Defendants continue to deny this.

Word Processors and Accessories ViolationsClaim 15

Denial to equal materials and equipment as APNN have contributed / contributes to delaying of filing motions, and prejudice from reading handwritten materials, rewriting requirements, wasting paper + pen, frustrating and begging to filing motions equally as others can in a more TEAMCA manner. Spell checkers and grammar checkers speed efficiency. This denial violates the 8th Amendment under the ever improving standards of an ever more civilized, modern society as can be seen by computer equipment laws where they are a standard in almost all legal offices and homes now a days. This is ~~an~~ arbitary, capricious, overbroad, invidious ~~discrimination~~ discrimination animus, and deliberate indifference, to add to pattern and practice by Defendants for all claims in this petition, of 14th Amendment, as common sense shows.

Word Processors produce great advantages now a days. DCC administration are  
 defendants of course. From Dec 1, 1999 to present.



Claim 16

with their angry nature due to failures to needed mental health counseling, and supervisors failing to refer them.

D. Oppressive conditions, and constant threat have caused Petitioner's emotional, mental, and physical injuries. ~~Some of which~~

E. Petitioner has always been classified to minimum but continues to live under maximum conditions among terroristic violent people, when Petitioner is not all violent or has ever been, even though railroaded into a violent crime by fraud and deceit; on appeal.

F. State, as legal custodian, is required to pay for all legal mail by prisoners, the wards of the State which the State choose to take into custody and "care" for by law. Immediate refund needed of all monies taken.

G. State, as legal custodian, and under State and Federal objectives to "Reserve and Protect" families, is required to provide postage and mail supplies to insure bonds get atleast maintain, and those improved where necessary bonds are falling apart.

H. Current, illegally implemented, DCL policy of limited postage for legal mail and legal supplies for only some certain "prison defined" indigents, not legally defined indigents by courts, limits, delays, and denies access to the courts when postage or supply is not available for any amount of time, and when it causes inability to send evidence, documents, appendices and claims/defenses due to limited postage or supplies. This also a claim for possible future harm.

See, e.g., Gittens v Sullivan, 848 F.2d 389 (2d Cir 1988);

884 F.2d 1108, 1109-11 (1989).

I. Petitioner can't mail big appendix of Grievances exhausted due to lack of money for this Petition. All Grievances have been exhausted as best as possible Petitioner can do so far. Shear number is outrageous.

Claim 16

with their angry nature due to failures to needed mental health counseling, and supervisors failing to refer them.

D. Oppressive conditions, and constant threat have caused Petitioner's emotional, mental, and physical injuries. ~~See also~~

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See, e.g., Gittens v Sullivan, 848 F.2d 389 (2d Cir 1988);

884 F.2d 1108, 1109-11 (1989).

I. Petitioner can't mail big appendix of Grievances exhausted due to lack of money, for this Petition. All Grievances have been exhausted as best as possible Petitioner can do so far. Shear number is outrageous.



Claim 17) Illegal Prison Mail and Legal Mail Censorship.

- A. Defendants of DCC mailroom denied internet information of a legal nature by returning it to sender for being "too many pages," where no such legally implemented prison rule exists nor is legal in violation of 1st Amendment. See ~~Quilley~~ \_\_\_\_\_.
- B. State employees again, just on a whim, start a prison rule illegally without required APA's. Employees out of control without accountability. Such arrogance caused expenses, frustration and anger to do one's legal, <sup>work</sup> unobstructed like A/NW can in violation of federal laws. Employees acted under pretence of law as if above the law and enact any rule anyway, whenever they want.
- C. Plaintiff continues to be denied with DI and I DA to legal right to CATALOGS. Total denial has been illegally going on under color of law. This is arbitrary, capricious, overbroad, overzealous, malicious, and not a substantial, legitimate, valid, penological interest since other prisons allow them by law. Catalogs are constitutionally protected.
- D. Tightwad Magazine Catalog, as an example, continues to be illegally denied and censored.
- E. Again, policy or custom not legally implemented as per APA's. Overcrowding and understaffing does NOT allow for illegal conditions. First Amendment violations for publications. See, e.g., \_\_\_\_\_, 189 F3d 781, 784 (1999).
- F. Total denial of catalogs denies information to health, safety, medical, legal, and other life, liberty, property, and happiness interests in violation of the 8th Amendment, having caused cruel and unusual punishment in an ever more improving, civilized and decent society. ~~See~~ Confirms maliciousness again.



Claim 17

- G. Defendants of mailroom also illegally censored mine pamphlets with legal information which is not yet been received and illegally seized, 1<sup>ST</sup> and 4<sup>th</sup> Amendment violations. Proper procedure to Appeal grievance was followed, but Plaintiff continues to be stone-walled with lame excuses and no answer, thereby being denied due process and equal protection by the laws under the 14<sup>th</sup> Amendment, and 6<sup>th</sup> Amendment violation for unobstructed right to prepare legal motions for access to courts rights.
- H. Finally they are caught with their hand in the cookie jar. We don't know yet what else has been illegally seized, censored, returned to sender, or destroyed.
- I. Claim stated by prisoner alleging that prison officials ignored multiple requests to return legal materials to inmate needed for pending case. \_\_\_\_\_ 804 F2d 182, 184 (1986).
- J. Claim stated for package containing legal materials arrived at prison but were not received by inmate, and one was known to be returned to sender by mailroom staff for illegal censorship. See, e.g. \_\_\_\_\_, 256 F3d 93-95 (2001) (per curiam). This shows IDA and DI by mailroom employees, and obstruction of justice.
- K. Unannounced, independent federal investigations needed on prison mailrooms, and results publicly provided after each inspection.

Claim 18

Prison Grievance System Claims Violations

A. Petitioner, class of one, continues to be denied with DI and IDA to properly, legally establish and processing prison grievance rules and procedures and uphold LRR's, and to managed under the APA's, denying due process and equal protection of the laws under the <sup>5th</sup> 14th Amendment and under the 1st Amendment for grievances causing 6th Amendment violations by ways like obstructing ~~TEEMCA~~ TEEMCA access to legal prison conditions, and in violation of the 8th Amendment continuing to maintain cruel and unusual prison conditions as per this Petition and yet to be discovered from illegal obstructions to TEEMCA access to information, and in violation of an ever improving and more civilized and decent society.

B. States must follow federal objectives, not just laws, as the U.S. Supreme Court has ruled which Defendants fail to do.

C. Defendants, by illegally obstructing by pattern and practice to TEEMCA access to information for Plaintiff, class of one, causing handicap and disability to be able to have a voice and communicate to them for proper legal relief. legal custodians fail to TEEMCA communicate with their hands of the State as Petitioner to fix illegal conditions. And when there is a reply from a grievance, it usually provides no refill but DI or IDA excuses, to not uphold the law and obstruct justice to oppress, begile, frustrate, and block any relief. Grievance administrators do all they can to illegal deny relief by law as they have been getting away with too long.

D. A prison grievance seven day rule can NOT time bar an illegal condition when: 1. Rule was NOT legally implemented under APA's, posting in Delaware Register of Regulations, and approval by agency

claim 18

- legal counsel to insure rule is legal before establishing. No neutral advocacy exists to speak for prisoners in Delaware so that all laws get upheld. 2. Petitioner could not discover and understand legal rights in a TEAMCA manner. 3. No new inmate orientation exists to explain all legal rights of an inmate which is required to be done by legal custodians who's duty is to "care and maintain" all Wards of the State by law. 4. No relief is provided as required by the American Disabilities Act and Rehabilitation Act, and Not just token relief but as should be done by a legal custodian who looks out for all health and welfare of its charges. Grievance administrators display conflict of interest and NOT uphold LRR's.
- E. Grievances system does NOT fulfill its purpose. ~~See attached Grievances.~~
- F. First step is to seek Counselors advice. That is not possible because they do not reply in time, then 7 days run out, or at all.
- G. "All medical grievances are monitored by Bureau of Prisons - Delaware. Then why are problems not corrected when they have always been aware of problems?"
- H. Grievance system is broke by prejudice and <sup>inmate</sup> class discrimination.
- I. Its plagued with evil, antiquated attitudes and a conflict of interest by custodians to do their duty to uphold all LRR's.
- K. State appointed mediator for grievances fails to do their duty ~~as~~ as legal custodian with conflict of interest. Fails to be at Grievances to be neutral advocate for law; Delaware Center For Justice.
- L. Petitioner, destitute, does not have enough money to also send them mail of all the grievances. They should have had all illegal conditions corrected by now as legal custodian who have access to all laws in a timely manner.
- M. Grievance system "shall afford meaningful remedy" which it fails to do over and over.



Claim 18

Grievances Claims (continued)

- N. Grievance committee inmates cannot vote their conscience and by law due to intimidating and fear of retaliation; pawns of staff.
- O. Out of all the Grievances this Petitioner had to file, only 2 hearings were ever called to include him. Both times treatment staff members sat their as a bump on the log with resentful body language that they had to be their.
- P. Inmates of committee blindly deny grievances without knowing the LRR's applicable.
- Q. Both meetings called to, allowed no notice of date its scheduled to be prepared for. Just what an IDA wants.
- R. Chair sends copy of Grievance mailed to Chair to inmates housing unit supervisor within 2 days of receipt for informal resolution. No one ever approached me to do that on ANY grievance submitted by this Petitioner.
- S. Those housing unit supervisors SHALL investigate, document, attempt resolution, [to cause understanding and two communication], and then report to Grievance chair in 3 calendar days of receipt of grievance. Resolution ends all. Of course, this due process policy could never be completed in any of this Petitioner's grievances. Chair closes file and monitors compliance. Of course, this could not be done in Petitioner's cases either for over 6 years now.
- T. Emergency grievances shall immediately be addressed by Warden. Copy is sent to the Chair who shall respond in one calendar day. This has never been done with any emergency grievance sent by this Petitioner, as can be seen on attached Grievances.
- U. Bureau Chief fails to respond to appeal in one calendar day as per policy,

Claim 18

in all Grievances appealed to them.

V. No Universal Grievance has ever been presented to Bureau Chief by Grievance officer from all those submitted by this Petitioner, class of one.

W. If any of these policies have changed, Petitioner never received any notice and hearing as required by APA's.

X. Entire Grievance Policy never legally implemented by APA's legally, for example, published in Delaware Register of Regulations ~~del~~ ~~del~~, ~~del~~, DOC legal advisor approval, ~~del~~ Prison Board Approval, Delaware Center of Justice approval, and others yet to be discovered.

Y. Following pages shows types of violations Defendants cause with their own system. Lack of oversight and accountability in Petitioner's Grievances, class of one.

Claim 18

D.O.C. Grievances Policies Std Oper. Proc. 4.4

Policy Element Violation No.

Policy

1.

Defendants reply or no reply fails to afford required "meaningful remedy" by law.

2.

Maximum period from initial grievance receipt and final appeal response exceeded 180 calendar days.

3.

Chair ~~must~~<sup>fails to</sup> provide a copy of the response to grievant within 7 calendar days of receipt of said response. (This policy violates due process and equal protection of the laws because Petitioner/Grievant does not know when Chair receives response.)

4.

Committee did NOT convene in 30 days of receipt of grievance to examine issue, document investigation, hear testimony, make recommendation.

5.

Chair <sup>did NOT</sup> forwards recommendation to Warden, Level II.

6.

Warden responds in 10 days for distribution did NOT occur.

7.

Appeal Grievance is referred to level III, Bureau Grievance officer but NO reply.

8.

Outside review was NOT recommended for interpretation of law or expansion of policy are necessary.

9.

Admin. Procd. Acts NOT followed.



Claim 19Claims of Illegal Prison Conditions Which Could Not Be Brought Yet due To Obstructions TO Justice by LRR's

All these are with DI, IDA, and SLPI under federal LRR's to avoid repetitive writings.

A. Family's and inmates rights to Family Integrity (1<sup>st</sup>, 8<sup>th</sup>, 9<sup>th</sup>, 14<sup>th</sup> Amendments) and prison conditions for visits and communication while incarcerated without arbitrary, capricious, overbroad, degrading, dehumanizing, destructive (ACOSDD) conditions, having also caused horrific child abuse and destroyed family bonds.

B. Denial of decent and sufficient bathrooms and showers in prison under the 8<sup>th</sup> Amendment. Double celling has caused unnecessary stress, fear, anguish, tension, communicable diseases, and increased confrontations <sup>P32 F201 119(07)</sup> for a more terroristic and violent conditions among already confused, violent people in pretrial and the compound, and maximum security level housing. Nonviolent people are housed with violent people not dependent on charge convicted or in Delaware.

C. Denied humane, legal temperatures in the cell cells and buildings in the summers.

D. Lack of ice causing confrontations due to temperatures. The bullies got it.

↳ This is no way how to teach people how to get along in society.

E. Illegal property deprivations.

F. Denial of all care packages is ACOSDD.

G. All State agencies failures to provide their services per law to All its citizens as required by Governors Memorandum of Understanding signed by state agency heads to support each others purposes so they may be attained.

H. Illegal prison rules, and illegal adoption procedures per APA's.

Claim 19

- I. Denial of ~~the~~ administration segregation rights by law.
- J. Fearful conditions causing mental or physical damages in some people and failures for relief, and failures to inform during pretrial intake properly, of legal rights and how to file grievances and charges against inmates and staff.
- K. limiting reading material illegally or wrongfully. ACODD
- L. punishing conditions in pretrial.
- M. Failures to do proper mental health intake interviews.
- N. Failures to provide nonthreatening, nontenoristic conditions causing mental or physical injury to ANY Ward of the State, Uncivilized Standards.
- O. Double celling causing mental or physical injuries to any ward of the State.
- P. Right to be free from asthma causing conditions and medications.
- Q. Right to be free from damaging conditions causing medication.
- R. Right to purchase + possess products from APPROVED vendors like other prisoners.
- S. Insufficient clothing. No rain gear. No winter clothing.
- T. Right to compatible celly and Inmate Cell Transfer Request like other prisoners have.
- U. Illegal protective custody conditions.
- V. Illegal procedures to provide protective custody to inmates rewarding violent conduct of others.
- W. Certify facility and procedures to be in compliance with American Disabilities Act and any other Act a prison has to operate under, Rehab. Act and NOT just questioning administration, but also plenty of old timer inmates who have been here a long time for actual conditions.
- X. Certification that all custodians of wards of State have been trained by CARR's.

Claim 19

Claims Could Not Be Brought Yet (cont.)

- Y 00. Accountability for failures to control, train, and/or supervise regularly by independent federal agency. Too much in competence in ~~this~~ this small State where a State employee can easily be blackballed.
- Z 00. Do we have an independent Whistleblower Act for State employees which is needed.
- AA 00. Types of injunctions and federal investigation immediately needed.
- AB 00. Does staff get regular mental health diagnosis and treatment so they do NOT project onto minds of the State?
- AC 00. Illegal or unethical economic burdens imposed on these inmates making citizen forced indentured servant.
- AD 00. Denial of training classes in law to be determined. 855 F 2d 442, 449 (98)
- AE 00. Illegal drug testing of inmates who have never had a drug <sup>use</sup> ~~conviction~~ conviction.
- AF 00. Unhealthy eating time at chow hall; continues abusive reduction of time, without rule having been legally changed.
- AG 00. Defendant's conduct affecting law enforcement activities deprives of legal rights.
- AH 00. Failures to follow Prison Mission Statement and AOC Code of Conduct by staff.
- AI 00. Organized crime in state government.
- AJ 00. <sup>Some state employees in</sup> State government bribes working in harmony, conspiracy to deprive citizens of LAR's.
- AK 00. First Amendment (and 14th Amendment, and LLP H interests) claims on prison rule prohibiting business or profession too broad.
- 154 F3d 128, 135 (3d Cir 1998), and
- ACODDD manner.
- AL 00. Failures to uphold state and federal laws for inmate citizens.
- AM 00. First Amendment violation (and 14th Amendment, and LLP H interests) claims



Claim 19

by confiscating, not allowing items mailed in to Petitioner, class of one, because officials offered no evidence that materials posed legitimate threat to security. See, e.g., \_\_\_\_\_, 850 F.2d 917, 925 (1988). For past damages and future ones.

Mail order materials allowed. \_\_\_\_\_, 451 U.S. 527, 535 (1981), but yet denied here.

40. Eighth Amendment violation by 50% deficiency in toilets. See \_\_\_\_\_, 952 F.2d 158, 163 (91); \_\_\_\_\_,

952 F.2d 820, 825 (1991). Bathrooms and showers for safety and sanitation violations.

AN 00. ~~Failures to provide~~ Failures to provide nutritionally adequate and sufficient meals as actually served to NOT cause degradation of health.

AD 00. Poorly ventilated, double occupancy, created health risk and actual health loss.

AP 00. Constitutional claim made when single cell made double cell.

AQ 00. Continuous illegal punishment and threat of more punishment by Counselor Michael Mc Mann at DCC for not attending his treatment program and participating the way he wants, while still appealing Petitioner's fraudulently, deceitful, and maliciously <sup>brought</sup> criminal case which is contrary to LRE's, thus denying equal and fair access to the courts as required by the 6th Amendment, and in violation of the 5th Amendment free from possible perception of self-incrimination.

AR 00. Needing medications to live in illegal prison conditions.

AS. Illegally forcing inmates, wards of state, pay far more for their phone calls than people using pay phones in the outside world must pay. Exploits ~~inmates~~ inmates, families frustrating bonds with family members, where state and federal laws say government must "care and maintain, or improve problem bonds" for families to "preserve and protect them" for children, families, societies and National Interests,

Claim 20 <sup>class of</sup> Indigency Violations

- A. Plaintiff, continues to be invidiously discriminated against because of his poverty, denying due process and equal protection Clause protecting them.
- B. Most enclosed claims would not need to be if Plaintiff was not indigent denying equal justice under the law.
- C. In order to satisfy the equal protection clause of the 5th Amendment of the U.S.C., indigent prisoners must be provided with the same basic tools of adequate defense or appellate review without cost if those same tools are available to other inmates for a price. See, e.g., Greene v. Brizano, 123 F3d 917, 920 (6th Cir 1997) (citing Riggins v. Lees, 74 F3d 732, 735 (6th Cir 1996).
- D. An indigent Defendant as petitioner who takes a timely appeal, as by Motion To Dismiss but is unable to perfect it because of his poverty, is denied a right guaranteed by the 14th Amendment of the U.S.C., and is entitled to release upon Habeas Corpus or a hearing on appeal. See Lloyd v. Warden of Md Penitentiary, 143 A2d 483 (Md 1958).
- E. Indigency continues to prejudice Plaintiff's cases due to illegal prison conditions. Motion To Dismiss was illegally STRICKEN by Delaware Superior Court.
- F. Class or caste discrimination is illegal. See Skinner v. Oklahoma, ex rel Williams, 62 S Ct 1110, has had horrific damages in Plaintiff's cases and family legal rights RPI's.
- G. If Plaintiff would have had sufficient funds, laws LRR's would have been upheld by now with proper presentations violating Plaintiff's and his family's RPI's for prejudice, where outcome of his criminal case would have been by law. Where money determines not merely the kind of trial Petitioner gets, but whether he gets one at all with conflict free counsel, the great principle of equal

claim 20

protection has become a mockery in Kartmann's fraudulently brought criminal case.



Claim 21

State Courts

Judicial Misconduct Due to Denial of Appointment of Counsel for Appeal

- A. Commissioner Freud, <sup>lot of JUDICIAL</sup> abused authority, caused official oppression, and failures to uphold the laws of the land including failure to appoint indigent Plaintiff counsel during first appeal as of right, causing Plaintiff's case to continue to illegally time barred and brought forward of the other horrific violations to uphold the laws of the land as shown in Plaintiff's Motion to Dismiss and Memorandum and Postconviction Relief Motion. See Halbert v Michigan, 125 S Ct. 823.
- B. Freud, <sup>et al</sup> operates under conflict of interest, conspiring to obstruct justice by LRR's per above Motions with other Def's.
- C. Fraudulently brought case against Plaintiff was then prejudiced by invidious discrimination animus causing further miscarriage of justice, illegal imprisonment, and atrocity of family genocide, all contrary to the LRR's of the land.
- D. Freud, et al, should have known the law that criminal case procedural default, <sup>if legal, is</sup> excused because of counsel's failure to appeal as requested by him constituted ineffective assistance of counsel. See Castellanos v. U.S., 26 F3d 717, 719 (7th Cir, 1994).
- E. Freud, et al, should have known the law that criminal case procedural default, <sup>if legal</sup> is excused because <sup>this</sup> Plaintiff was denied right to effective counsel when court (Freud) allowed defense counsel (Tease) to withdraw without submitting detailed brief including Hartmann's strongest arguments, citations to the record or legal authority. See U.S. v. Skurdal, 341 F3d 921, 927-28 (9th Cir, 2003).
- F. Freud, et al, should have known the law that the criminal case (Postconviction Relief Motion) procedural default, if legal, is excused because counsel's (Toms, Withersell, Tease) failed to raise exculpatory evidence (violation

Claim 21

of the 14th Amendment of the USC, <sup>as to the Defendant</sup> working contrary to law) constituted ineffective assistance of counsel. See Banks v. Reynolds, 54 F.3d 1508, 1504 (10th Cir., 1995).

G. Freud, et al, should have known the law they swore to uphold that the individual claim of ineffective assistance of counsel was cause for procedural default, if time bar actually legal, which it is NOT, just a pattern and practice to obstruction of justice due to conflict of interest.

H. This Petitioner had constitutional right to appellate counsel because of the equal protection clause guarantee of meaningful access to the courts which was violated in Petitioner's criminal case brought fraudulently, and because he had NOT been provided with the necessary legal tools to pursue his claims / defenses on direct appeal. See La. v. Finley, 481 U.S. 551, 555-6 (1987).

H. Appointed counsel who conspired with state officials to deprive of constitutional rights acted under color of State law. See \_\_\_\_\_, 467 U.S. 914, 919 (1984). And Federal laws, rules, and regulations.

I. Counsel acted in harmony with judiciary defendants to fail to inform Petitioner of his RPI's as disclosed so far in his MTD and Habeas Corpus Post-Conviction Relief Motion, which are too numerous to mention here.

J. Defendants worked in harmony by conspiracy and corruption in state government to deprive of due process and equal protection of the laws under the 14th Amendment of the U.S.C. bringing a State of emergency causing an epidemic the laws were made for to prevent under the State and Federal Health and Safety Codes in question. See Flowchart A after pg 73. ✓

K. Due process and equal protection clauses guarantees a variety of rights on appeal, including indigents' right to counsel at expense of state, and right to effective assistance of counsel. USCA 14th, State v Cooper, 498 A2d 1209.

Claim 21Denial of Counsel of State Appeal (cont)

2. Petitioner's right to present arguments directed to the merits of his case (DP+EP clause) is a due process issue which have been violated due to lack of counsel or ineffective counsel to uphold RPI's from the beginning. USCA 5th, 14th. And continue to be violated with DI and IDA. We are a justice system which works under FACTS, not subjective-bias beliefs. ~~the~~ A judicial officer should have recused themselves if there is any conflict of interest, appearance of prejudice, DI, IDA, or inherent DI or IDA, as in Petitioner's criminal case.



Claim 22

Ineffective Assistance of Counsel Pattern and Practice  
in State Courts

- A. Plaintiff's disclosures of defenses and claims so far show the level of incompetent counsel provided in this State, their deliberate indifference to uphold all the laws of the ~~land~~ land, their oath and code of ethics and conduct violations, conflict of interest by selling out to keep their job; with this State, and their obstructive, degrading, and destructive attitude of "I'll still have this job after ~~my~~ your case."
- B. Plaintiff's ineffective counsel abandoned Plaintiff after fraudulent plea was attained, and then taking prosecutors word, and not doing their own investigation, and failed to appeal when Petitioner wanted him (Tease) to.
- C. Reference Defendants Jones, Witherell, Tease and Petitioner's fraudulently and deceitfully brought criminal case with DI and IDA, and conflicts of interest, presented in criminal case motions from Petitioner.
- D. See page A after page ~~70~~<sup>73</sup> for obvious due process and equal protection of the laws 14th Amendment violation which counsel were required to uphold by law, rules, regulations. Path B illegally allowed instead of mandated Path A. ✓

Family Genocide and Illegal Imprisonment still in Delaware caused by  
Appendix  
 Not Following Mandated Procedural Due Process for All Alleged Child Abuse  
 In Delaware and U.S.A.

(Each box is *pari materia*)

(Path B used illegally instead of Path A)

(Causing criminal contempt of legislatures)

(Health and Safety Code Violations by State Employees)

CAPTA 42 USC § 5101

Federal Supremacy Clause

Federal Objectives

State Legislature

Advisory Council for Dept of DSCYF  
 29 Del.C. Chap 90A

DSCYF (Dept)  
 29 § 9001 et seq

42 USC § 5101 et seq.  
 Federal APA and  
 States A.P.A. (Admin  
 Proc Act)  
 29 Del.C. § 10101 et seq.

All Alleged Child Abuse Offenders X  
 \* Procedural Due Process Starts Here

GOVERNMENT OBJECTIVES  
 BEST INTERESTS MEET  
 Service Plan Completed

DFS  
 CAPA (Div. of FAMILY SVCS)  
 16 Del. Code Chapter 9 (See Appendix B FOR DP)  
 Civil-Remedial  
 Health & Safety Code,  
 Legal Family Status/Relationship  
 16 § 902(14) ~~PROTECTED~~ CLASS Not Legal Family

Path A  
 Protected class is key  
 Also 10 § 1041

Path B

Treatment Services  
 16 § 906 (10+11)  
 By DFS REASONABLE EFFORTS

Services Refused

Arrest under  
 Title 11 Del.C.  
 Magistrate

Errational Application of this statute for Best interests of all government objectives if Path A Not used by law.

Family Court Civil Rules  
 200 et seq, 90.1

Superior Court

Family Court Act, 10 Del.C. § 901 et seq.

Appeal

sometimes

Seatonina is at

Mandated Federal and Constitutional Objectives for Children, Families, Parents  
States Must Follow:

First Amendment Family Integrity Rights

Fourth Amendment Right from Seizure before Mandated procedural due process.

Fifth Amendment Family Procedural Due Process Rights Through the 14th Amendment.

Sixth Amendment Right to Effective Counsel in Family Law and Subject-Matter Determination

Sixth Amendment Right to Government Agency Legislated by Laws.

Sixth Amendment Right to Subject-Matter Jurisdictional court.

Eighth Amendment Right from cruel and unusual punishment and civilized society  
from false, illegal imprisonment

Eighth Amendment Right from cruel and unusual punishment from seizure of  
a legal family member, illegally.

Eighth Amendment Right from cruel and unusual punishment from child, family,  
parent abuse by government employees

Ninth Amendment Right to Family members.

Fourteenth Amendment Right to procedural due process for children, family,  
parent, protected class of citizens, and equal protection of the law.

The Adoption Assistance and Child Welfare Act (AACWA) of 1980, 42 USC § 620 et seq.

The Adoption and Safe Families Act (ASFA) of 1997, 42 USC § 670 et seq.

The Family Preservation and Support Act (FPSA) of 1993,

The Child Abuse Prevention and Treatment Act (CAPTA),

The Administrative Procedure Acts for Agencies,

National Advocacy Foundations and Resources:

Youth Law Center, Edna McConnell-Clark Foundation, etc.



Claim 23 Civil Rights Violations by Delaware Judiciary acting under color of law

A. Def's actions continue to act with deliberate indifference to laws, rules and regulations which continue to frustrate, impede, and has caused lost, rejected or impeded claims or defenses causing miscarriage of justice.

B. Time bar for the Postconviction relief motion brought pro se due to illegal denial of counsel which has caused miscarriage of justice by commissioner and judge conflict of interest causing obstruction of justice by failures to uphold laws in relief motion and others not yet discovered due to handicaps and disabilities illegally created evil motives and set-up for failure. Commissioner and judges for relief motion even failed to rule on illegal handicaps and failures to provide ~~an~~ entitlements under the American Disabilities Act due to disabilities. This commissioner and judges in question have conspired to deprive Plaintiff, Sassofone, of the laws of the land. Such atrocity is most outrageous and requires proper federal investigation and FBI involvement. It is as horrific as is stated here. And not something ever expected to be going on in this country at such scale in a state.

C. These Defendants act in harmony in violation of the Ku Klux Klan Act (42 USC A § 1985(3)) depriving of equal protection and equal privileges and immunities to the class this Plaintiff is part of, a protected class by law - The legal Family (16 § 902 (14), 10 § 1041 of Delaware Codes) and the federal CAPTA (Child Abuse Prevention and Treatment Act) and other federal laws States must follow. States must also follow federal objective and the Supremacy Clause, all illegally omitted in this horrific experience which is all contrary to laws, rules, and regulations. The invidious discriminatory animus behind conspirator's action and how many others they have done this to. Their conspiracy aimed at and caused actual illegal conduct, damages and injuries, many irreparable, especially the horrific child abuse still being

Claim 23

performed on my children by government actors. Their actions deprived, and still are depriving of equal enjoyment of rights, privileges, and immunities secured by law to All. Actors were, are disguised by acting under pretence /color of law. By mere title are they assumed so far to still be acting under law. Their title disguises their true ~~character~~ character not being legally equate material worthy of that title. Independent counsel and judges are required who do not work for fear and favor for selfish reasons, in this case. These defendants have sold out to evil, prostituted out justice by law for their own selfish gain. (Delaware Judiciary and AG) (Flowchart A). ✓

D. Defendants work in harmony to conspire to carry out their assaults by their rulings on Plaintiff's motions, illegally created policy or customs in prison where Plaintiff has been kidnapped to under illegal arrest and color of law with falsified documents causing illegal indictment, fraudulent and deceitful pleadings and proceedings, fraudulently attained plea, which caused illegal conviction and illegal imprisonment, and horrific family genocide all contrary to laws created by the Legislatures. See Appendix

E. Intimidation, terrorism and torture now having caused mental, emotional and physical damages in Plaintiff and family members, during these proceedings in Hartmann's case, keep denying to seek the equal protection of the laws.

F. This underground epidemic of corruption and organized crime in State government must be pulled out by the roots, all in violation of the rights of the U.S. Constitution's 1<sup>st</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup>, and 14<sup>th</sup> Amendments and many other federal policies and objectives.

G. These allegations should clearly support the requisite animus to deprive this Petitioner and family the equal enjoyment of legal rights.

H. The claims of detention, under terrorism and torture, threats and fears of daily abuse or assault should amply satisfy the requirement



Claim 23 Civil Rights and <sup>TEEMCA</sup> Access continued Violations

of acts in furtherance of the conspiracy. Criminal charges need to be brought against Defendants and federal prosecutor assignment of this case should be done and is requested by this Honorable Court because of the overwhelming number of problems to Plaintiff, these claims to determine process was due, <sup>not illegal indictment</sup> <sup>not illegal conviction</sup> time bar illegally used to obstruct justice furthering miscarriage thereof in Plaintiff's Post Conviction Motion is a standard excuse used to frustrate citizens to further appeal their case as they are hoping in Hartmann's case. Many citizens don't appeal because they are indigent and are not represented by independent defense counsel, and don't have the TEEMCA access to information; Pattern and practice abuse of process by law.

I. ~~Defenses~~ Defenses in the Postconviction are so far lost due to illegal, unethical impediments caused by Defendants which prejudiced Hartmann's case outcome. It would have been different totally because there would NOT have been all the illegal actions by state actors as has occurred. J. Not having TEEMCA access to all legal information so that Plaintiff could not look up defenses or meritorious claims is an example of actual injury.

K. None of Plaintiff's defense motions could be properly researched, learned, applied all defenses because of continuous deliberate indifference to TEEMCA access.

L. Defendants Johnson and prison administration continue to obstruct justice and equal access to legal information by keeping away pages 200 to 399 of the State Codes Commentary, so that the truth can't be seen, and kept maliciously removed.

M. All these illegal conditions act in harmony to prevent, frustrate, beggle, harass inmates in DCC from submitting papers and pleadings to courts violating the Constitution. See Bryan v. Werner, 516 F.2d 233 (3rd Cir. 1975),



Claim 23

also \_\_\_\_\_, 3F3d 816 (1993).

Illegal obstructions caused defenses and claims to be left out, legal theories could not be pursued, and cases not cited to assist the courts and cases prejudicing the outcome of his cases proceedings and contemplated ones.

N. Access means "to get at" or "gain access to", capable of being used, seen, or known. Information has not been accessible.

O. Petitioner had right to appellate counsel because of Halbert v Michigan, 125 SCt 823.

P. See page A ~~before~~ after page 76 for due process and equal protection of the laws violated under the 14th Amendment and Delaware Constitution where nature of the case (subject-matter jurisdiction) requirement under the 6th Amendment was violated for its due process and equal protection.

Claim 24 Obstruction of Justice to TEEMCA Access to Courts by Judge Farnam

- A. by failure to appoint counsel for Habeas Corpus, causing denial of due process and equal protection of the laws under the 14th Amendment of the U.S.C., causing further cruel and unusual punishment under the 8th Amendment under an ever more civilized and decent society by prejudicing this Petitioner's criminal case and punishment by illegal imprisonment and horrific family genocide, all contrary to the laws of this land where outcome of criminal case would have been totally opposite of ~~what~~ the irreparable damages this fraudulently and deceitful case was brought.
- B. Judge Farnam illegal time-bar, further proving his conflict of interest in the criminal case, by not be neutral, independent, and objective, but blindly follows state representative's position and fails to his own proper investigation. Because of this illegal conduct, Petitioner and family are further prejudiced for relief from irreparable and reparable damages listed elsewhere in this petition.
- C. Judge Farnam delay in decision to time-bar caused further illegal delay for relief to Petitioner and family, prejudicing the <sup>TEEMCA</sup> ~~family~~ access to courts and that Constitutional right. It's his duty to insure he has sufficient and competent staff to provide legal access to the courts. He has violated his code of ethics and conduct in all his illegal actions.

Claim 24

## Judge Farnan's Abuse of Discretion for Failure To Appoint Counsel for Habeas Corpus

- D. This petitioner had right to counsel as per Motion request in the interest of justice continuing to mislead Petitioner's criminal case fraudulently and deceitfully brought by corrupt state employees.
- E. Judge Farnan had to automatically recuse himself from Petitioner's Habeas Corpus because of pecuniary interests within his jurisdiction in personal, family, and business associates real estate interests. State Attorney General's office is responsible for legal requirements for business transactions in Delaware including real estate actions. A.G. is opposition to Petitioner's case, Judge failed to recuse.
- F. Judge Farnan's failure to rule on ~~the~~ appeal counsel when none was appointed as required by law causing further miscarriage of justice, prejudicing outcome of Petitioner's case where outcome would NOT have allowed 4th Amendment violation of illegal seizure of Petitioner, illegal indictment brought by fraud and deceit of laws, grand jury failures to control, train and supervise by law, illegally brought proceedings, conviction, fraudulent plea and illegal imprisonment in violation of due process and equal protection of the laws under 14th Amendment of the U.S.C. and violation of the Delaware Constitution to uphold the laws of the land causing horrific, atrocious family genocide.



- G. Counsel needed to be appointed when factually and legally complex in Habeas Corpus and able to investigate facts and present claims. See Nachtigall v. Class, 48 F3d 1076, 1082 (1995). Where misleading ~~facts and~~ interpretations failures to address the LRR's as presented in Motion To Dismiss and Habeas Corpus and their supporting briefs continue to be avoided and state representative's presentation with conflict of interest assumed correct by Judge Farnan.
- H. District court should consider counsel for indigent when it decides to review merits in absence of exhaustion of state remedies. See, e.g., Harris v Champion, 15 F3d 1538, 1567 (1994). As caused by external factors obstructing justice and TEFELA access to information, and failures to diagnose and treat an emotional disability and a mental illness caused by state employees' illegal imprisonment, illegal prison conditions, and horrific family genocide contrary to LRR's.
- I. So far, Judge Farnan mislead the Habeas Corpus Petition as the State representatives have done working in harmony to deny laws in question causing further prejudice and miscarriage of justice. He assumed state representative's info to be correct without doing his own investigation. Conflict of interest grossly displayed, ~~and obstructive to his~~

Claim 24) Federal Violations in Delays in Appellate Process in District Court  
 J. Petitioner's prejudices in his criminal case necessary to establish a due process violation because of delay in the appellate process due to lack of counsel and ineffective counsel is defined as affecting the various interests in facilitating prompt appeals which are:  
 1) preventing oppressive incarceration pending appeal, 2) minimize anxiety of persons awaiting outcome of the appeals, and 3) limiting the possibility that grounds for appeal, or defenses in the event of reversal and retrial, will be impaired. USCA 14th.

And have been impaired prejudicing the timely and legal resolution of his case to stop the irreparable damage to him and his family caused by selfish corruption in state government having sold out ~~the~~ against justice by Defendants for selfish, political and economic gain, and maliciousness, and VI and I OR <sup>against petitioner & family.</sup>  
 Delays and judicial misconduct denies due process and equal protection of the laws; No State shall deny that to ANY person.

See Douglas v Calif, 83 S Ct. 814 (1963).

K. Petitioner was denied fair procedure before 3rd Circuit use since indigent citizen was forced to run the gauntlet of a preliminary, legal, proper showing of merit before being provided with counsel on appeal. That was NOT the way to handle pro se petition and Motion violating the 6th Amendment of the USC, besides due process and equal protection of the 14th Amendment. See Murray v. Giarranto, 109 S Ct 2765 (1989).

L. Obstruction of justice because of established laws such as Flowchart A. ✓

Claim 25

These violations apply to all or ~~many~~ <sup>many</sup> of the ~~violations~~  
Claims in This Petition Caused By Defendants

- A. Sixth Amendment right to the United States Constitution to self represent includes right to [TEEMCA access to] other tools necessary to prepare a [TEEMCA] defense [and claims], See Taylor v. List, 880 F2d 1040.
- B. Defendants continue to sit on their duff and do nothing to prevent violations of RPI's. Any conflict of interest is external factor and sufficient cause for procedural default <sup>to be excused</sup>. See Jamison v. Lockhart, 975 F2d 1377, 1380 (1992). ?
- C. Claims of equal protection violation are made here with intentional discrimination on the basis of prisoner or detainee status in violation of federal RPI's. There is NO deference to prison officials decisions when officials' restricted detainees' right to effective communication with counsel and access to legal materials as TEEMCA requires. See Johnson-El v Schoermehl, 878 F2d 1043, 1051-53 (8th Cir. 1989).
- D. Plaintiff, class of one, is not administered justice legally as shown in this petition by economic level and prejudices. It is required without delay or denial as required by the Delaware Constitution of 1897, Art. I, § 9, and as required under, at least, the 14th Amendment of the U.S.C. for due process and equal protection of the laws, which requires TEEMCA opportunity to present every available defense or claim for relief from damage.
- E. All these violations have been going on since Plaintiff's illegal, malicious arrest and imprisonment in Dec 1, 1999.
- F. Of course, all claims are of federal violation to avoid that repetitive writing in this petition.
- G. Custodians, Defendants, fail to "care, maintain and improve" as required by law.



Claim 25

- H. Supervisors of ~~the~~ staff fail to do their duties likewise by failure to control, train and supervise by law.
- I. Defendants as state employees and individually involved in these violations have no qualified or absolute immunity because all violations are by law, and where they should have known them.
- J. Lack of accountability and oversight.
- K. Because of handicaps and disabilities caused by Defendants, Plaintiff, class of one, cannot bring other illegal or unethical conditions forward in a TEEMCA manner which are in violation of state and federal laws or objectives.
- L. Prison rules illegally adopted act as punishment and constant threat inducing mental and physical damages in Plaintiff, class of one, and in others who for whatever reason to be individually determined, have not been able to uphold these basic rights for themselves, which custodians are responsible for, from one or more handicap(s) and/or disability(ies) created by Defendants.
- M. Prison rules or customs act as mass punishment when illegally implemented or illegally applied. Problems of mass punishment are well known by experts.
- N. Policies or customs are created by Defendants under pretence/color of law, causing degradation of life, liberty, property, and happiness interests of Plaintiff, class of one. Something the evil natures are DI with IDA.
- O. Plaintiff, et al, reserve right to add Defendant(s), claims, and correct or improve them for legality, and when counsel is appointed.
- P. Legal custodians, Defendants, fail to uphold LRR's violating their codes of ethics and conduct, oath of office, for their Words of the State as <sup>this</sup> Plaintiff, due to DI and IDA, causing cruel and unusual punishment and other 8th Amendment violations.

DOC staff and Medical Services Providers do not qualify or have illegal conflict of interest under State laws ( 24 Del.C., Chapter 30, Chapter 35, and Chapter 39; violate medical ethics and conduct code; and others yet to be discovered from around illegal handicaps and disabilities not legally and ethically removed).

Y. Obstructions and failures to accommodations or aids to freedom of expression is cruel and unusual punishment under the 8th Amendment to Plaintiff, class of one.

Z. Defendants, DOC, AG, Medical Services Providers representatives, from Dec, 1999 <sup>Delaware Judiciary</sup> to present continue to fail to protect from psychological abuse and unnecessary dehumanization, indignity, and decency in violation of the 8th Amendment from illegal imprisonment and illegal prison conditions.

A.A. Totality of conditions are also an 8th Amendment violation for Plaintiff, class of one as legal family member, and illegal prison conditions, <sup>class of inmates,</sup> caused or allowed by Defendants working in harmony in either of the 2 areas.

A.B. Economic burdens put on Petitioner, <sup>class of one</sup> by DOC staff under color of law make him, ~~an~~ illegally, an indentured servant; indigent or not.

A.C. Standards of human dignity, legal rights at this time, decency, and humanely are NOT subject to a majoritarian whim and conflict of best interest against children, family, state, and National objectives and LRR's by certain state employees / Defendants and their abuse of power.

A.D. Penal measures are constitutionally repugnant when they are as here at DCC, and among Delaware Judiciary Defendants, incompatible with evolving standards of decency that mark progress of this maturing society under the 8th Amendment.

A.E. Prison atmosphere compelled Petitioner, class of one, to live in constant fear

DOC staff and Medical Services Providers do not qualify or have illegal conflict of interest under State laws ( 24 Del.C., Chapter 30, Chapter 35, and Chapter 39; violate medical ethics and conduct code; and others yet to be discovered from around illegal handicaps and disabilities not legally and ethically removed.)

Y. Obstructions and failures to accommodations or aids to freedom of expression to cruel and unusual punishment under the 8th Amendment to Plaintiff, class of one.

Z. Defendants, DOC, AG, Medical Services Providers representatives, <sup>Delaware Judiciary</sup> from Dec, 1999 to present continue to fail to protect from psychological abuse and unnecessary dehumanization, indignity, and decency in violation of the 8th Amendment from illegal imprisonment and illegal prison conditions.

A.A. Totality of conditions are also an 8th Amendment violation for Plaintiff, class of one as legal family member, and illegal prison conditions, <sup>class of inmates</sup> caused or allowed by Defendants working in harmony in either of the 2 areas.

A.B. Economic burdens put on Petitioner, <sup>class of one</sup> by DOC staff under color of law make him, ~~an~~ illegally, an indentured servant; indigent or not.

A.C. Standards of human dignity, legal rights at this time, decency, and humanely are ~~not~~ subject to a majoritarian whim and conflict of best interest against children, family, State, and National objectives and LRR's by certain state employees / Defendants and their abuse of power.

A.D. Penal measures are constitutionally repugnant when they are as here at DCC, and among Delaware Judiciary Defendants, incompatible with evolving standards of decency that mark progress of this maturing society under the 8th Amendment.

A.E. Prison atmosphere compelled Petitioner, class of one, to live in constant fear



Claim 25

violence, when Petitioner, class of one, is not violent and never has been.

A.F. - Pattern of conduct by Defendants amounting to systematic, systemic deficiencies against LRR's, compounding illegal conditions, all working in harmony to deprive more, as much as they can get away with over the years against the LRR's of the land, even when illegal or unethical shows DI and IAT working contrary to childrens, families, State, and National Best interests represents a form of Treason against Plaintiff, class of one - inmates and family, making ~~for illegal conduct~~ suffering inevitable in violation of atleast the 8th Amendment.

A.G. - The "future harm" should be made in every claim possible if Petitioner did not list it under each claim.

✓ A.H. - DCFS, Defendants continue to fail to their duty for inmates, families, as per claims herein to uphold all LRR's for them due to conflict of interest.

✓ A.I. - Even if there has never been a 42 USC § 1983 case accusing government employees of selling out for personal gain to <sup>NOT</sup> uphold our LRR's causing or allowing such irreparable damages and reparable ones to children, families contrary to LRR's causing all claims in this Petition, it does not follow that when such case arose, that officials would be immune from damages under § 1983, et al, and criminally liable under 18 USC § 242. ✓

✓ A.J. - Repeated negligence is deliberate indifference.

✓ A.K. - Serious medical needs are so obvious to even Petitioner who could see that treatment was needed. They are so serious that conditions significantly affect Petitioner's daily activities, separately and in totality, having caused or is causing pain or discomfort for 8th Amendment violations.

Claim 26

PLRA's Limiting Attorney Fees Automatically, Inherently Prejudice a Case and Deny Fundamental Fairness

- A. Pecuniary interests cause automatic, 'inherent prejudice'; just ask any lawyer in practice privately. Public lawyers have another issue inherent.
- B. If motivation, attitude, beliefs, and other human factors would not interfere, only then would due process and equal protection of the laws would occur.  
Also economics, politics.
- C. Totally equally, fundamentally fair treatment should not just be for the non-imprisoned.  
176 F3d 677, 686 (3rd Cir 1999).
- D. That Act's provision inherently discriminates against class as inmates for civil rights violation.
- E. Limitation oppresses, disparages, dehumanizes, degrades, demoralizes in an ever more modern, civilized and decent society for the 8th Amendment.  
But only legible, frustrates and obstructs justice to uphold laws of the land.  
If Act did not limit, how many more attorneys would come out of the woodwork to uphold the laws. Expecting all inmates to become attorneys is outrageous depriving justice under law in violation of the Constitution. As indigency rights have been established.  
And as judges must recuse from cases they have any pecuniary interest in.
- F. Inmate citizens should NOT be irrationally, prejudicially discriminated against just because one is poor, or mentally incapable, or not <sup>be</sup> an educated and experienced attorney.  
No known attorney can do only pro-bono work.

Relief Requested So far for

1. Expenses
  2. Costs
  3. Fees
  4. Taxes
  5. Monetary Harm
  6. Restitution
  7. Reputation
  8. Humiliation
  9. Mental Anguish and Suffering
  10. Mental Illness
  11. ~~Mental~~ Emotional Disability
  12. Deliberate Indifference
  13. Recklessness or Callous Disregard
  14. Official Oppression
  15. Abused Authority
  16. Obstruction of Justice
  17. Conspiracy
  18. Organized crime in State Government
  19. Constitutional Violations
  20. 151A of the USC
  21. 5<sup>th</sup> A "
  22. 6<sup>th</sup> A "
  23. 8<sup>th</sup> A "
  24. 14<sup>th</sup> A "
  25. Federal Violations
  26. Invidious Discrimination
  27. Arbitrariness in Policy or Custom
  28. Capriciousness in Policy or Custom
  29. Overzealousness in Policy or Custom;
  30. Overbroad <sup>doctrine</sup> in Policy or Custom;
  31. Abuse of Disabled People;
  32. Deprived past, present, and future prevention, maintenance, diagnosis, and treatment if NOT brought to court obstructing justice and exhaustion requirements by agency employees to do their duties;
  33. Any and All future medical/mental health like expenses, costs, fees, taxes, etc.;
  34. Appointment of Special Master;
  35. Injunctive; Qualified immunity does NOT protect;
  36. Declaratory;
  - ~~37. Dollar Amounts for Relief TBD with counsel;~~
  37. Dollar Amounts for Relief TBD with counsel;
  38. Immediate Release From Custody for Proper Environment and Medical, etc Relief; Temporary Release from Irreparable damage; see Tamara v. Robinson, 641 F.2d 133, 141.
  39. Criminal charge(s) against Defendants actions in violation of any LRR's;
  40. Any Other As This Honorable Court Deems Appropriate.
- I declare under penalty of perjury that the foregoing is true and correct.
- Signed May 9, 2006
- Debra R. Hartmann,  
Plaintiff and  
Plaintiff, class of one



### Certificate of Service

I, Rettel F. Hartmann, hereby certify that I have served a true

And correct cop(ies) of the attached: Former Pauper's Application, Letter To District Clerk, Motion for  
Appt of Counsel, Civil Complaint, Certif of Svc. upon the following  
parties/person (s):

TO: U.S. District Court Delaware  
Boggs Federal Bldg  
Lockbox 18  
Wilmington, DE 19801

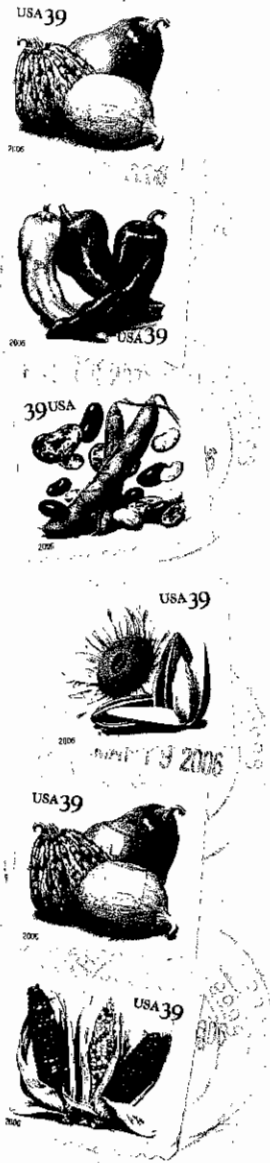
TO: \_\_\_\_\_

TO: Delaware Dept of Justice  
Office of The Attorney General  
102 W. Water Sts.  
Dover, DE 19901

TO: \_\_\_\_\_

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the Delaware Correctional Center, Smyrna, DE 19977.

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_



U.S. DISTRICT COURT OF DELAWARE  
BOGGS FEDERAL BLDG  
LOCK BOX 18  
WILMINGTON, DE  
19801

Legal Mail  
K-RAV  
U.S.M.S.  
SWISCH

M. Petter F. Hartmann  
BI# 229843 UNIT DE  
DELAWARE CORRECTIONAL CENTER  
181 PADDOCK ROAD  
MYRNA, DELAWARE 19977